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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 355/2018**

ANURADHA SEN MOOKERJEE Plaintiff

Through: Mr.Rudra Dutta, Smt. Sanyukta
Gupta and Ms.Kashvi Dutta, Advs.

versus

K.S. SAXENA & ANRDefendants

Through: Mr.Parth Tandon, Adv. for D1.
Mr.Arindam Dey proxy counsel for
D2.

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. SURYA MALIK GROVER (DHJS)

ORDER

% **04.11.2020**

THROUGH VIDEO CONFERENCING

Registry has not filed any report in terms of previous orders. Concerned official is directed that report be filed positively within two weeks regarding filing of any application seeking condonation of delay by either of the defendants along with diary No., date and status of the same.

IA No.10084/2020 (u/O 8 Rule 1 CPC re-filed by defendant No.2)

Learned counsel for defendant No.2 submits that he had repeatedly contacted the Registry but they were unable to apprise him of the status of his previous application seeking condonation of delay, in view of which, he has re-filed the instant application.

Learned counsel for plaintiff has submitted that defendant No.2 has taken inordinate delay in moving condonation of delay application



merely to derail the proceedings and the instant application may only be allowed subject to heavy cost.

On the other hand, learned counsel for defendant No.2 insists that there is no intentional delay in moving the application or bringing it on record and the delay was on account of sudden outbreak of corona virus pandemic.

On perusal of the record in light of submissions, I am of the considered opinion that it will not be possible to weigh the contentions of the parties and to adjudicate the application without report from the Registry as already called for.

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Learned counsel for defendant No.1 submits that as they were not aware about the present proceedings being taken through video conferencing, none could appear on behalf of defendant No.1, he has tendered his apology and undertaken that he shall diligently participate in the court proceedings henceforth.

It is further submitted that application seeking condonation of delay was moved by defendant No.1 vide diary No.231100 dated 14.02.2020. There is no mention of any such application in the office noting. Defendant No.1 is directed to contact the Registry and get his application placed on record after removal of objections, if any, or in the alternative, re-file application within a week with advance copy to the opposite side.

At this stage, counsel for the plaintiff has submitted that



defendant No.1 has also failed to comply with order dated 24.02.2019.

Compliance be done within a week positively, failing which, defendant No.1 shall be liable to pay cost of Rs.5,000/- to be paid to the opposite side.

List the matter for report of Registry/consideration/orders on pending application(s) on 23.11.2020

SURYA MALIK GROVER (DHJS)
JOINT REGISTRAR (JUDICIAL)

NOVEMBER 04, 2020
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