

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).1 0 4 7 6 / 2 0 0 7

(From the judgement and order dated 2 7 / 0 2 / 2 0 0 7 in FAO No. 5 2 8 / 2 0 0 6 of The
HIGH C O U R T O F D E L H I A T N. D E L H I)

MUNICI P A L C O R P . O F D E L H I Petitioner(s)

V E R S U S

M/S H A R C H A R A N D A S S G U P T A C O N S T N . P V T . C O Respondent(s)

(With prayer for interim relief and office report)

Date: 1 1 / 0 4 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

HON' B L E M R. J U S T I C E H. K. S E M A
HON' B L E M R. J U S T I C E M A R K A N D E Y K A T J U

For Petitioner(s) Mr Sanjiv Sen, Adv.
Mr. Pr aveen Swarup, Adv.

For Respondent(s) Mr. S. Tripathy, Adv.
Mr. S. P a lo, Adv.
Mr. S. Yadav, Adv.
Mr. Alok Gupta, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(Ravi P. Verm a) (Anand Singh)
Court Master Court Master

[Signed order is placed on the file]

I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O. 2 8 0 0 O F 2 0 0 8
[Arising out of S L P (C) No.1 0 4 7 6 / 2 0 0 7]

MUNICI P A L C O R P O R A T I O N O FA P P E L L A N T (S)
D E L H I

Versus

M/S. H A R C H A R A N D A S S G U P T AR E S P O N D E N T (S)
C O N T R U C T I O N P V T . C O.

O R D E R

Leave granted.

This is defendant's appeal.

By the impugned order, the High Court declined to allow the defendant, the appellant herein, to file written statement as according to the High Court, despite of notice the defendant did not file written statement for three years. Therefore, it was negligent.

Having regard to the facts and circumstances of the case, we are of the view that if the appellant is allowed to file written statement the case can be decided on its own merit after contesting the suit. Accordingly, the order of the High Court is set aside. The appellant is allowed to file written statement within two weeks from today. The same shall be taken on record and the suit may be disposed of on its own merit expeditiously.

The appeal is disposed of in the above terms.

.....J .
(H.K. S E M A)

New Delhi;J .
April 11, 2008 . (MAR K A N D E Y KA T J U)