

25.01.2024

Present: Shri Gaurav, Ld. counsel for plaintiff (joined through VC).  
Shri Rishabh Jain, Ld. counsel for defendant no.1.

It is submitted by Ld. counsel for plaintiff that the written statement was not filed within the stipulated time period.

The defendant has filed an application seeking condonation of delay in filing the WS. It is stated that there has been 27 days delay in filing the WS as the parties sat together to explore the possibility of an amicable settlement and that caused delay in filing the WS.

Ld. counsel for the plaintiff has objected to the same and submitted that no talks of settlement were going on.

On rival submissions, it is noted here that there is delay of only 27 days in filing the WS. It is a settled law that the efforts should be made to decide the case on merits rather than technicalities. The delay of 27 days is not a substantial delay. Accordingly, the application under Order. 8 Rule, 1 CPC stands **allowed**. Delay in filing the WS stands condoned.

Let the replication, if any be filed before the next date of hearing with advance copy to the opposite side. In the meanwhile, status-quo in respect of the suit property be maintained.

Put up for completion of pleadings, admission/denial of documents, framing of issues and arguments on the application under Order. 39 Rules, 1 & 2 CPC on **26.07.2024**.

(Rajesh Malik)  
ADJ-06, Central, THC Courts,  
Delhi/25.01.2024