

(2020) 10 DEL CK 0078

In the Delhi High Court

Case No : Civil Miscellaneous (Main) No. 469 Of 2020

North Delhi Municipal Corporation

APPELLANT

Vs

Rajat Malhotra

RESPONDENT

Date of Decision : 14-10-2020

Acts Referred:

Citation : (2020) 10 DEL CK 0078

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Namrata Mukim, Swenka Tripathi

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 17.03.2020 whereby the right of the petitioner - Corporation to file written statement was closed.
3. The Trial court by order dated 17.03.2020 has noticed that petitioner was served on 28.11.2019 and the written statement sought to be tendered on 17.03.2020 was not taken on record on the ground that the same was beyond the period of limitation. Even the right of the defendant No.2, the executive engineer of the petitioner Corporation was closed by the same order dated 17.03.2020.
4. The Trial Court has noticed that petitioner was served on 28.11.2019 and the executive engineer was served on 21.01.2020 and the written statement was not filed till 17.03.2020.
5. It is pointed out by learned counsel for the petitioner that since the suit is a commercial suit the outer limit to file the written statement is 120 days. Learned counsel has pointed out that the written statement could not be filed on behalf of

the petitioner as well as the executive engineer because file had to be examined at various levels and opinion was also sought from the law department which took some time.

6. Considering the fact that the petitioner is the Municipal Corporation and the explanation that various officers had to consider the case and opinion had also to be taken from the law department, I am of the view that the petitioner has rendered sufficient explanation for condoning the delay in filing the written statement. It is also noticed that a composite written statement was tendered within the outer limit of 120 days on behalf of the petitioner as well the executive engineer.

7. In view of the above, impugned order dated 17.03.2020 is set aside. Petitioner is granted 10 days time to file the written statement.

8. The petition is accordingly allowed in the above terms.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.