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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 24th March, 2025*

+ CM(M) 1110/2022 & CM APPL. 45063/2022 & CM APPL.
45124/2022 & CM APPL. 3851/2025

SH. RAJESH KUMAR & ANR.Petitioner

Through: Mr. Mayank Rustagi and Mr. D.K.
Rustagi, Advocates

versus

PREMWATI &ORSRespondent

Through: Mr. Rajan Chaudhary, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Mr. Rajan Chaudhary, learned counsel for respondents/plaintiffs appears through videoconferencing and submits that without prejudice to their rights and contentions, they would have no objection to the request of amendment in written statement as sought by the defendants/petitioners herein. He, however, submits that for causing delay in the matter, defendants be burdened with exemplary cost and let there be a time-bound direction to the learned Trial Court to dispose of the suit, expeditiously.

2. Presently, case is at the stage of cross-examination of one of the defendants i.e. DW1 Mr. Rajesh Kumar.

3. This Court has seen the application which the defendants had moved for seeking amendment in the written statement and also the impugned order dated 23.03.2022.

4. Keeping in mind the overall facts and circumstances of the case and the gracious concession given by learned counsel for respondents, the present



petition is allowed by permitting defendant nos. 1 & 2 (petitioners herein) to amend their written statement in terms of the application moved by them before the learned Trial Court. If such amended written statement is already on record, it would be deemed to be on record and plaintiffs would be at liberty to file replication, if any, within two weeks from today.

5. Learned counsel for petitioners/defendant nos. 1 & 2 submits that he would, merely, seek one small opportunity to further cross-examine the plaintiffs on the aspect of the aforesaid amendment, and not beyond. He also submits that in terms of the aforesaid amendment, defendants would also file an additional affidavit in support of their evidence.

6. Learned counsel for respondents/plaintiffs has no objection in this regard but he reiterates his request for imposition of cost.

7. Keeping in mind the fact that suit was filed in the year 2019 and taking holistic view of the matter, defendants i.e. petitioners herein are burdened with cost of Rs. 25,000/-, which shall be paid to the opposite side within one week from today.

8. The petition stands disposed of in the aforesaid terms with further request to the learned Trial Court to expedite the disposal of the case.

9. A copy of this order be given *dasti* under the signatures of the Court Master and be also sent to the learned Trial Court for information.

(MANOJ JAIN)
JUDGE

MARCH 24, 2025/dr/js