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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 29<sup>th</sup> April, 2025***

+ CM(M) 356/2019 &amp; CM APPL. 9378/2019

TABASSUM &amp; ANR

.....Petitioners

Through: None.

versus

MOHD NADEEM

.....Respondent

Through: Mohammad Parvez, Advocate.

**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. This is an old petition.
2. However, when the matter was taken up, there was no appearance from the side of the petitioner, *albeit*, learned counsel for respondent/plaintiff has joined the proceedings through *video conferencing*.
3. Though, all along, during the pendency of the present petition, there was no direction to the learned Trial Court to defer the proceedings, fact remains that as per learned counsel for the plaintiff, there is no headway or progress in his such suit and it is, still, at the same stage.
4. The present petition has been filed by Ms. Tabassum and Mr. Javed (defendant nos. 1 & 2 before the learned Trial Court) whose right to file written statement has been closed and by filing the present petition, they, merely, seek indulgence, to the above extent.
5. It seems that the impugned order dated 01.11.2018 was earlier challenged by them by filing a Revision Petition, which was eventually



withdrawn by them with liberty to file appropriate petition.

6. In terms of the abovesaid order, therefore, the petitioner has invoked Supervisory Jurisdiction of this Court under Article 227 of Constitution of India.

7. Learned counsel for the respondent/plaintiff submits that the present petition has been pending for quite some time and there is already inordinate delay in disposal of their suit and in order to ensure that there is requisite progress in the matter, he, on instructions and without prejudice to its rights and contentions, would have no objection if one last and final opportunity is granted to defendant nos. 1 & 2 (petitioners herein) to file written statement before the learned Trial Court, *albeit*, subject to imposition of cost.

8. Impugned order would indicate that the defendants were served on 01.08.2018 but the written statement was not filed by them within the prescribed period of 90 days. Resultantly, their right to file written statement was closed.

9. The suit is non-commercial in nature.

10. According to the abovesaid defendants, they could not file written statements as the set supplied to them was deficient and copy of the cheque, which was mentioned at Serial no. 3 in the list of documents, was not supplied to them.

11. It is also noticed that the defendants moved an application in this regard before the learned Trial Court seeking supply of such document. Learned counsel for the plaintiff submits that such application was though filed, but it was after their right to file written statement was closed. Admittedly, such application was filed same day i.e. 01.11.2018.

12. Be that as it may, in view of the above said statement made by learned



counsel for respondent/plaintiff, the present petition is hereby allowed with directions to defendant nos. 1 & 2 to submit their written statement within four weeks from today with advance copy to opposite side.

13. Simultaneously, for causing delay in the matter, they are also burdened with a cost of Rs. 10,000/- each and such cost shall also be cleared by them by 08.07.2025.

14. Registry shall also transmit a copy of this order to the counsel for the petitioner on his designated *email* so that there is no communication-gap of any kind whatsoever.

15. Learned Trial Court is requested to expedite the disposal of the abovesaid suit.

16. The petition stands disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**APRIL 29, 2025/PU/JS**