

IN THE HIGH COURT OF DELHI AT NEW DELHI

CM(M) 1165/2013, CM No.17107/2013

SHRI RAMDEV YADAV Petitioner

Through Mr. Gurmeet Singh, Adv.

versus

STATE BANK OF INDIA Respondent

Through Mr. Loveleen, Mr. J.P. Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

22.05.2014

This petition has been filed against the order dated 03.08.2013, whereby, the Written Statement (WS) was declined to be accepted. The review petition also was dismissed. The WS was filed on 04.02.2012 alongwith review application. The reason for non-filing of the WS is that between 02.04.2011 and 26.11.2011 talks for settlement of the disputes were underway, and if the WS had been filed it could well have hardened the positions between the parties and could have adversely impacted the settlement.

2. The learned counsel for the petitioner submits that since the settlement talks were going on, therefore, the written statement was not crystallised as it would jeopardize any chance of settlement. Learned counsel for the respondent submits that despite the ninety days of extended time being granted to the petitioner neither the respondent filed the WS nor appeared before the Court. Learned counsel for the

petitioner submits that since the complete plaint was supplied to the petitioner only on 01.02.2012 the WS could not have been filed earlier. In any case it was filed within three days thereafter i.e. on 04.02.2012. This Court finds plausible cause in the petitioner not filing and also in being constrained from filing the WS.

3. For the aforesaid reason, this Court in the interest of justice, the petitioner should be permitted to file his WS lest it does not prejudice his rights irreparably, subject to payment of cost of Rs.7500/- to the respondent within two weeks from today. It is stated the previous counsel too was not diligent in his duty. Learned counsel for the parties submits that they will complete recording of their respective evidence in not more than four weeks each. The learned Trial Court shall endeavour to dispose off the matter by the end of this year.

The petition is disposed off in the above terms.

NAJMI WAZIRI, J

MAY 22, 2014/ss

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