

CASE NO.:
Appeal (civil) 2800 of 2008

PETITIONER:
MUNICIPAL CORPORATION OF DELHI

RESPONDENT:
M/S. HARCHARAN DASS GUPTA CONTRUCTION PVT. CO.

DATE OF JUDGMENT: 11/04/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO. 2800 OF 2008
[Arising out of SLP(C) No.10476/2007]

Leave granted.

This is defendant's appeal.

By the impugned order, the High Court declined to allow the defendant, the appellant herein, to file written statement as according to the High Court, despite of notice the defendant did not file written statement for three years. Therefore, it was negligent.

Having regard to the facts and circumstances of the case, we are of the view that if the appellant is allowed to file written statement the case can be decided on its own merit after contesting the suit. Accordingly, the order of the High Court is set aside. The appellant is allowed to file written statement within two weeks from today. The same shall be taken on record and the suit may be disposed of on its own merit expeditiously.

The appeal is disposed of in the above terms.