

Shilpa Khanna Vs. Vipul Sachdeva
CNR No. DLCT010071052025
CS (Comm) No. 577/2025

26.09.2025

File has been received by way of transfer vide Order No. 68978-69023/F.3(4)/DJ/Comm.C/2025 dated 19.09.2025 issued by Ld. Principal District & Sessions Judge (HQs) : THC: Central : Delhi. It be checked and registered.

Present : Sh. Pradeep Gupta, SPA of plaintiff alongwith Sh. Santosh Kumar, Advocate.
Sh. Ajay Bansal, Advocate for defendant.

Heard. File perused.

An application under Section 151 read with Order VIII Rule 1 of CPC, moved by defendant for recalling of order dated 19.7.2025, is pending disposal.

Ld. Counsel for plaintiff, on instructions, states at Bar that he does not wish to file any written reply to the said application and he will advance arguments on the application straightaway.

Accordingly, arguments heard on the said application in the light of material available on record.

By way of instant application, the applicant / defendant seeks to recall order dated 19.7.2025 passed by Ld. Predecessor of this Court, whereby his opportunity to file written statement was closed, the written statement having not been filed within the statutory period of 30 days from the date of service i.e. 31.5.2025.

It is submitted by Ld. Counsel of defendant that he had

exam of U.P. Higher Judicial Service on 20.7.2025 and the defendant had approached him only in the second week of July, 2025, due to summer vacations in the month of June, 2025 and thus, written statement could not be filed within the statutory period of 30 days. He, however, has pointed out that the written statement has already been filed alongwith this application on 18.8.2025, which is well within the maximum period of 120 days from the date of service.

During the course of arguments, Ld. Counsel of plaintiff has fairly submitted that in view of personal ground cited by counsel of defendant, he is not opposing the application and thus, same may be allowed.

Having regard to the submissions made, the reasons assigned in the application and keeping in view the overall facts and circumstances of the case, the delay in filing written statement is hereby condoned and the order dated 19.7.2025 to the extent whereby opportunity of defendant to file written statement was closed, is hereby recalled. **Consequently, the written statement of defendant is taken on record.** The application stands allowed and disposed off in these terms.

Ld. Counsel of plaintiff seeks and is granted two week's time to file replication and admission / denial affidavit of documents of defendant, with the direction to supply advance copy thereof to the opposite side.

At this stage, it is jointly submitted on behalf of both the sides that there is an element of settlement between the parties and hence, it is requested that the matter may be referred to Delhi Mediation Centre, Tis Hazari Courts, Delhi for exploring possibility of

settlement.

In view thereof, matter is referred to said Delhi Mediation Centre under “***Mediation- For the Nation***’ Campaign” for **8.10.2025 at 2.00 pm** and accordingly, both parties are directed to appear before the said Delhi Mediation Centre on the aforesaid date and time.

Put up on 13.10.2025 for report of settlement, if any / replication, admission / denial of documents, first case management hearing as well as for framing of issues.

The date is given as per convenience of both the sides.

(Vidya Prakash)
DJ (Commercial)-01, Central,
THC/Delhi / 26.09.2025