

CS No. 233/2025 Ramesh Kumar Vs. Parul Dass

23.01.2026

Present: Plaintiff with Ld. Counsels Mr. P.R. Kashyap and Mr. Saransh.

Defendant with Ld. Counsel Mr. Ravindra Narayan.

1. It is noted that on 16.01.2026, an affidavit of evidence of plaintiff-1 Mr. Ramesh Kumar has been filed. Copy already supplied.
2. Further, it is noted that on 22.12.2025, an application under Order VIII Rule 10 CPC r/w Section 151 CPC has been filed on behalf of the defendants for setting aside the order dated 08.10.2025. Copy already supplied.
3. Ld. Counsel for the plaintiffs submitted that plaintiffs do not wish to file any reply to the aforesaid application and he is ready to advance arguments on the same straightaway.
4. Arguments on aforesaid application heard. Case file perused.
5. Defendants/applicants in their application stated that they were served with the notice of the suit on 21.05.2025. They put their appearance on 11.06.2025 and on that day time was granted to file the written statement. They immediately engaged counsel and handed over all the documents. It is also stated that on 01.08.2025 their counsel put appearance and further time was granted to file the written statement within prescribed period but as their earlier counsel had not drafted and filed the written statement so, they engaged another counsel who had drafted the written statement and ultimately filed the same on 08.10.2025. So there had been a delay of 42 days. Applicants further stated that Ld. Predecessor, strike out their defence vide order dated 08.10.2025 and adjourned the matter for 01.12.2025. They have no knowledge of the procedure of the court

thus, were unaware of the order dated 08.10.2025 and thereafter, they contacted the present counsel and he appeared on 01.12.2025, so the present application filed with prayer to set aside the order dated 08.10.2025; condonation of delay of 42 days in filing the WS; allow the written statement along with documents so filed to be taken on record.

6. The facts admitted and not in dispute are that:
 - (a) the summons of the suit were served upon the defendants on 21.05.2025.
 - (b) Appearance for the defendants was put on 11.06.2025.
 - (c) Both defendants were represented by their Ld. Counsel on 01.08.2025 .
 - (d) Written statement was filed for the defendants by their Ld. Counsel on 08.10.2025.
 - (e) The written statement has not been supported with any application for condonation of delay.
 - (f) Defence of the defendants were struck off vide order dated 08.10.2025
7. Ld. Counsel for the plaintiff argued that defendants filed the written statement with a delay of 106 days and that too without any application for condonation of delay, so the Ld. Predecessor of this court has rightly struck out the defence of the defendants vide order dated 08.10.2025.
8. Ld. Counsel for the defendants argued that the applicants/defendants were having no knowledge of the procedure of the court and thus, were not aware about the order dated 08.10.2025.

9. It is pertinent to note that on 08.10.2025, none of the defendants appeared, however, they were represented by their Ld. Counsel- Mr. Mohd. Illiyas- whose vakalatnama is on record. There is no case of the defendants that their counsel Mr. Mohd. Illiyas has not apprised them about the order dated 08.10.2025, so the question that applicants/defendants were having no knowledge of the procedure of the court does not arise particularly, when they were represented by their Ld. Counsel on the day when the order was passed.

10. By virtue of the present application, the defendants seek review of order dated 08.10.2025, but he has failed to make out any ground for review of the said order. It is also pertinent to note that the application in hand was filed on 22.12.2025 that too has been filed without an application for condonation of delay as application for seeking review of order dated 08.10.2025 would have been filed within 30 days from the date of such order.

11. In view of above, I find no ground to recall the order dated 08.10.2025. Hence, the application in hand is dismissed and disposed of as such.

12. Ld. Counsel for the defendants has been asked to cross examine PW1- who is present in the court, to which he submitted that defendants have no faith in this court as plaintiffs are known to the undersigned and therefore, this matter be transferred to some other court.

13. It is clarified to the parties to the suit that the undersigned is not known to any of the parties. However, considering the submissions of Ld. Counsel for the defendants, time is being granted

to the defendants to take appropriate steps for transfer of this case, if so required.

14. In view of above and in the interest of justice, matter adjourned.

15. At request, list this matter for further proceedings/cross examination of PW1 13.03.2026.

(Ravinder Singh - I)
District Judge-03/East District,
KKD Courts, Delhi/23.01.2026/j