

CS637/24

VISHWANATH OJHA Vs. M/S RUPPEK CAPITAL  
PRIVATE LTD AND RUPEEK FINTECH PVT LTD AND ORS

24.01.2025

Present: Sh. Kanhi Lal Ld. Counsel for plaintiff.

Sh. Prashant Mishra Ld. Counsel for defendant through VC.

Written statement on behalf of D-1 and D-2 along-with documents and application u/o 8 Rule 10 CPC on behalf of defendant has been filed. Copy supplied.

Arguments on the application heard.

Perusal of application shows that the defendant has mentioned wrong provision in the application. Therefore, the present application is being treated as filed u/o 8 Rule 1 CPC.

It is averred in the application that after receiving the copy of plaint, defendants sent the same to defendant company to seek para-wise comments on the suit. It is further submitted that internal process of the defendant company took time to collect the information thus, the delay of only 4-5 days occurred in filling the written statement on behalf of defendants. Hence it is submitted that the delay of 4-5 days was neither intentional nor deliberate but due to the above-stated bonafide reasons. Thus, it is prayed that the delay may kindly be condoned and the present application of the defendant be allowed otherwise the defendants shall suffer irreparable loss and injury which cannot be compensated in any terms.

Ld. Counsel for plaintiff vehemently argued the application and prayed for dismissal of the same.

In view of the above discussion and the fact mentioned in application, the procedural violations may not cause any prejudice to other side and also that courts must lean towards substantial justice rather than relying upon procedural or technical violations. I feel that the matter should be taken up on merits. Hence, I feel it appropriate to allow the application. Accordingly, application 8 Rule 1 CPC for condonation of delay in filing the written statement is hereby allowed.

Written statement filed on behalf of D-1 and D-2 is taken on record. Copy supplied.

Application is disposed off accordingly.

**Put up for completion of pleadings, admission-denial of documents and framing of issues on 03.03.2025.**

(Pooja Jain)  
District Judge-03/NB  
East/KKD Courts/Delhi  
24.01.2025