

CS No. 641/24
Dharmendra Kumar vs. Sumit Sharma

19.03.2026

Present: Sh. Punit Kr. Tyagi, advocate for plaintiff.
Sh. Harsh Sharma & Ms. Sandhya Chand, advocate
for defendant.

This suit was initially filed under Order 37 CPC but was ordered to be treated as an ordinary suit on 18.11.2026.

An application under Order 7 Rule 11 CPC moved by defendant was withdrawn on 24.09.2025.

The written statement was filed beyond the prescribed period of 30 days which was allowed to be taken on record subject to cost of Rs.6,000/- payable to the plaintiff vide order dated 24.09.2025.

An application was moved by the defendant on 24.11.2025 for waiver of the cost upon which I have heard both the parties. Record shows that the defendant was served on 19.04.2025 through email and whatsapp who engaged the counsel on 30.04.2025 as per vakalatnama which was filed in the court on 05.05.2025 but no written statement was filed on that day and even on adjourned date i.e. 30.05.2025, no written statement came on record. The written statement was filed actually on 16.07.2025 which shows that the same was already prepared on 15.05.2025. Affidavit was got attested on 01.07.2025 and the date of 15.05.2025 was changed to 01.07.2025 by over writing. There was an intentional delay in filing the written statement in the court. The excuse taken that the father of the counsel for defendant expired on 31.05.2025, so written statement could not

be filed in time is already discussed in the order dated 24.09.2025. Hence, the application for waiver of the cost is rejected. Let this cost be paid today itself to the counsel for plaintiff Online.

No replication is to be filed by the plaintiff as stated.

Defendant has already disputed the documents of the plaintiff in his written statement and plaintiff is disputing the correctness of FIR bearing No. 365/2023.

On the basis of pleadings of the parties, following issues are framed:-

1. *Whether the plaintiff is entitled for recovery of the suit amount as claimed for ? OPP*
2. *Whether the plaintiff has misused stolen cheques of defendant ? OPD*
3. *Whether the plaintiff is entitled to any interest? If so, at what rate and for which period ? OPP*
4. *Relief.*

Put up this matter for PE on **21.05.2026**. Affidavit of evidence be filed but advance copy be given to the counsel for defendant atleast seven days prior to the date fixed. Both the parties are directed to file their list of witnesses within 15 days.

(Ashwani Kumar Sarpal)
Principal District & Sessions Judge
East District, KKD Delhi/19.03.2026