

CS no.641/24

DHARMENDRA KUMAR Vs. SUMIT SHARMA

24.09.2025

Present: Sh. S. K. Gaur and Sh. Puneet Kumar Tyagi, ld. counsels for the plaintiff along with plaintiff.
Sh. Harsh Sharma and Sh. Shikhar, ld. counsels for the defendant.

Heard on application under Order VII Rule 11 CPC filed by the defendant. During course of arguments, ld. Counsel for the defendant submitted that as per instructions from his client, he may be permitted to withdraw the said application with liberty to take the relevant defence at the stage of trial. Separate statement of ld. counsel recorded. In view of the statement of ld. counsel for the defendant, application under Order VII Rule 11 CPC is dismissed as withdrawn.

Heard on application filed by the defendant for condonation of delay in filing the written statement. In essence, the said application is for extension of time in filing the written statement. As per record, *vakalatnama* was filed on behalf of defendant on 05.05.2025 and time was granted. On 30.05.2025, adjournment was granted at the request of defendant for filing of Written Statement subject to limitation. As per record, Written Statement was filed on 16.07.2025. It is clear that Written Statement was not filed within 30 days, but the same was filed within the period of 90 days from the day of service of summons. It is stated in the application that unfortunately ld. counsel for the defendant had expired on 31.05.2025 and Written Statement could not be filed in time.

Ld. counsel for plaintiff submitted that Court may consider the application subject to cost.

Written Statement has already been filed. In view of the explanation given by defendant, period for filing of Written Statement stands extended and delay, if any, stands condoned subject to cost of Rs.6,000/- which be paid to the plaintiff.

Time requested for filing of replication by the plaintiff. The same may be filed within 30 days. Advance copy be given.

Heard.

I have talked to the parties as well as their counsels. In my opinion, there is element of settlement in the matter between the parties, therefore, as requested, matter is referred to Mediation Centre, Karkardooma Courts, Delhi.

Both the parties are directed to appear before the Mediation Centre for **26.09.2025 at 2:00 PM.**

Both the parties/counsels are directed to furnish their details to the Reader of the court for filing up the mediation referral form. Reader of this court is directed to fill up Form B of referral order accordingly and to forward the same to the Mediation Centre along with copy of this order.

The referral order be sent to the Mediation Centre by way of E-mail or other permissible modes.

Parties to contact Mediation Centre accordingly.

In case matter is not settled, put up for filing of replication as directed, admission/denial of documents and framing of issues on **26.11.2025.**

(SANJEEV JAIN)
Principal District & Sessions Judge
East District, Karkardooma Courts,
Delhi/24.09.2025.