

21. CS 376/23 Anushree Securities Private Limited Vs. Pramod Tibrewala

30.03.2026

Present: Sh. Shivam Sharma, Ld. Counsel for the plaintiff.
Sh. Santosh Tiwari, Ld. Counsel for the defendant.

1. Ld. Counsel for the defendant filed an application for restoration of application u/s 151 CPC dated 09.01.2024 which was dismissed in default on 15.05.2024. He also filed an application seeking condonation of delay in filing the aforesaid application. Copies supplied.
2. Arguments heard on the aforesaid applications. Case file perused.
3. Applicant/defendant in his application for condonation of delay in filing the application for restoration u/s 151 CPC dated 09.01.2024, stated that he is suffering from Parkinson's disease and was unable to communicate and understand the legal proceedings. His previous counsel did not inform him about the closure of his right to file the Written statement and dismissal of the application u/s 151 CPC dated 09.01.2024 and progress of the case. However he got the knowledge of dismissal of the application at the end of November 2025 and thereafter, he applied for the certified copies on 15.12.2025, which he got only in March 2026. So he prayed for condonation of a delay of 605 days in filing the application for restoration.
4. Admittedly, plaintiff filed this suit for recovery of Rs.15,87,500/- against defendant on 18.07.2023. Summons of the suit were served upon the defendant for his appearance for 25.09.2023 however, none appeared for the defendant on that day and the matter was adjourned for filing of written statement for 06.11.2023. On that date as well, no one appeared for the defendant, so his right to file the written statement was closed and matter was adjourned for 11.12.2023.

5. It is pertinent to note that on 11.12.2023, the defendant made an appearance through his Ld. Counsel Sh. Jitender Singh -who filed his memo of appearance and matter was adjourned for 10.01.2024 but before that i.e. on 09.01.2024 defendant filed an application u/s 151 CPC to restore his right to file the written statement which was closed vide order dated 06.11.2023. In the meantime, settlement talks were going on between the parties but on 16.04.2024 Ld. Counsel for plaintiff submitted that he has not received the copy of application u/s 151 CPC which was pending adjudication so court directed the defendant to supply the copy of the application to the plaintiff and adjourned the matter for 15.05.2024, on which date, none for the defendant had appeared and the said application of defendant u/s 151 CPC dated 09.01.2024, was dismissed and matter was adjourned for 10.07.2024.

6. It is pertinent to note that Ld. Counsel for the defendant appeared on 10.07.2024 and on that day the matter was adjourned for plaintiff's evidence for 21.08.2024. Record reveals that Ld. Counsel for the defendant appeared not only on 21.08.2024 but subsequently on each and every date till plaintiff/PW1 was discharged on 14.11.2024.

7. The defendant claimed that his previous counsel did not inform him about the closure of his right to file the written statement and progress of the case as well as dismissal of his application u/s 151 CPC dated 09.01.2024 and he came to know about dismissal of the application at the end of November 2025.

8. In *Rajnees Kumar & Ans V/s Ved Prakash 2024 SCC OnLine SC 3380*, Hon'ble Supreme Court held that:

"10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the

proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief."

9. Further, in *Nitin Mahadeo Jawale & Ors. v. Bhaskar Mahadeo Mukte*, 2024 SCC OnLine SC 3468, Hon'ble Supreme Court held that:

"7. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance.

8. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief."

10. It is pertinent to note that the defendant's application u/s 151 CPC dated 09.01.2024 for restoration of his right to file the Written statement, is supported by his affidavit, so it cannot be said that he was not aware of the proceedings about the closure of his right to file the Written statement. Further, records reveal that his Ld. Counsel appeared on 19.02.2025, 26.03.2025, 30.04.2025 & 03.06.2025, but during that period no application has been filed. Defendant has not disclosed as to how and on which date, who informed him about the dismissal of his application dated 09.01.2024

11. The ratio of case law relied upon by the defendant i.e. State (NCT of Delhi) V/s. Ahmed Jaan (2008) 14 SCC 582 is not applicable in the facts and circumstances of the case.

12. In view of the aforesaid discussion, the defendant has failed to give sufficient cause for condonation of delay of 605 days in filing the application for restoration of his application u/s 151 CPC dated 09.01.2024. As such, the application for condonation of delay is dismissed and accordingly, the application for restoration of application under Section 151 CPC is also dismissed.

13. Ld. Counsel for parties seek a short adjournment to advance final arguments. Allowed.

14. At request, list this matter for final arguments on 15.04.2026.

(Ravinder Singh-I)
District Judge-03 East District,
KKD Courts, Delhi/30.03.2026