

CS (COMM.)33/24

Karishma Paul Vs. Satish Malik

04.07.2024

Present : Sh. Rajat Asija, Ld. Counsel for the plaintiff.

Ms. Nisha Dhaka, Ld. Counsel for the defendant.

Perusal of record shows that the defendant was served on 07.03.2024. As per the order sheet dated 24.04.2024, the defendant appeared on that day and filed written statement. However, the written statement was not in accordance with the Commercial Court Act and the defendant was given time to cure the same. The matter is listed for today. The cured/corrected written statement so filed by the defendant today is also not in accordance with the Commercial Courts Act. On perusal of the earlier written statement filed by the defendant and the written statement so filed today by the defendant shows that there are certain changes in the written statement filed earlier and filed today. The defendant was granted liberty to cure the technical defects only in accordance with Commercial Courts Act viz. the written statement was not verified in the earlier one. This is an over smartness by the defendant when he again prepared the written statement. The counsel for the plaintiff submits that in the earlier statement there were some admissions where as in the fresh statement filed today, they are now disputed the same. The Counsel for the defendant seeks two days time to rectify the written statement in accordance with the Commercial Courts Act. Conduct of the defendant shows that defendant is trying to delay

the matter. However, in the interest of justice, subject to provisions of Commercial Courts Act and subject to cost of Rs.5,000/- to be paid by the defendant to the plaintiff, two days time is granted to the defendant for filing the cured/corrected written statement in accordance with Commercial Courts Act with advance copy of the same to the counsel for the plaintiff.

Counsel for the plaintiff filed replication, the same is returned to him and he is directed to file the same after receipt of cure/corrected written statement by the defendant.

Put up this matter for framing of issues and case management hearing on **11.09.2024**.

Anurag Sain
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
04.07.2024