

9 CS (COMM.) 338/25

Canara Bank Vs. Mukesh Kumar Khandelwal

15.10.2025 (At 11:23AM)

Present : Ms. Priya Pathak, Ld. Counsel for the plaintiff.

Sh. Siddharth Aggarwal, Ld. Counsel for the
defendant no.2.

None for defendant no.1.

One written statement along with a Statement of Truth and Affidavit of admission/denial of documents was filed on behalf of defendant no.2 online on 01.10.2025. On perusal of the same, it is found that Statement of Truth and affidavit of admission/denial of documents have been prepared and filed, in most casual manner without giving any attention to the format and requirement provided in Commercial Courts Act.

There is one application also under Order VIII Rule 1 CPC, wherein condonation of delay has been sought even without mentioning that how much delay was there. The delay has been calculated orally to inform that there was delay of 117 days from the date of service i.e. 05.06.2025. In application, it is pleaded that after receiving summons, defendant no.2 searched for misplaced documents and thereafter he made contact with his lawyer and therefore, written statement could not be filed within 30 days.

Husband of defendant no.2 had appeared before this court on 30.08.2025 and he was informed about the mandate of law on that day. Therefore, the given reasons do not appear to be very genuine one, because there is no whisper of such appearance

before the Court without any action on the part of the defendant no.2 till 30.08.2025, on which date the period of 30 days had already lapsed. Still in the larger interest of justice to adjudicate this case on merits, written statement is taken on record, subject to cost of Rs.10,000/- to be paid by the defendant no.2 to the plaintiff. One last and final opportunity is being given to defendant no.2 to file his Statement of Truth and Affidavit of Admission/denial of documents strictly in accordance with the provisions under Commercial Courts Act.

An application has been filed on behalf of Mr. Gyan Prakash Gaurav for substitution of AR. Mr. Gyan Prakash Gaurav is sought to be substituted as AR of plaintiff. Copy of GPA has been filed along with this application. Application is allowed.

Replication to written statement of defendant no.2 was filed by plaintiff online and physical copy has been filed today. Copy of the same supplied to defendant no.2.

One application under Order V Rule 20 CPC for substituted service of the defendant no.1 filed. Heard and perused. On last date, it was already recorded by the Court that defendant no.1 had reportedly sold and left his last known given address. In these circumstances, defendant no.1 be served by way of publication in one Hindi and one English local newspaper in circulation in Delhi. Plaintiff seeks to make such publication in Newspaper The Statesman and Veer Arjun. Same be done and requisite steps be taken accordingly. At the same time, fresh summons with complete paper book be pasted at the last known address of defendant no.1 with photographs. Dasti summons

shall be taken by AR and report shall be filed in the form of affidavit with photographs. Steps be taken within one week.

Put up on **08.12.2025** for further proceedings.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
15.10.2025