

CS (COMM.) 5796/24

M/S COMMITTED CARGO CARE LIMITED VS. SPACEDGE
EXPRESS SOLUTIONS PVT. LTD.

18.07.2025 (At 12:40 PM)

Present: Ms. Naina Walia, ld. counsel for plaintiff.
None for defendant.

In the morning, matter was passed over to be taken up after 12 o'clock. Ld. counsel for defendant, who appeared through V/C for defendant sought time to file hard copy of the Written Statement and other part of pleadings. He was informed that it has to be filed today itself, so that court may check the correctness of the same etc., and to pass its final order regarding the same.

No one has appeared for the defendant at this call. Put up at 02:00 PM.

(Pulastya Pramachala)
District Judge (Commercial Court-01),
Patiala House Courts Complex,
New Delhi/18.07.2025

18.07.2025 (At 02:12 PM)

Present: Ms. Naina Walia (appearing through V/C), ld. counsel for plaintiff.
Sh. Deepak Mittal (appearing through V/C), ld. counsel along with his Associate Sh. Shashi Kumar, for defendant.

1. As per record, defendant was served on 12.02.2025. Hard copy of Written Statement with Statement of Truth filed on behalf of defendant. It is mentioned that copy of the same was filed online on 26.05.2025.
2. On perusal of the Statement of Truth, I find that it is filed with blank spaces left therein, which makes it invalid Statement of

Truth. No affidavit of admission/denial has been filed. No screenshot of online filing has been filed. Even if it is assumed that such pleading was filed online, it was obviously not filed in proper form.

3. Ld. counsel for defendant sought one opportunity to rectify these mistakes. However, the maximum prescribed period of 120 days to file Written Statement along with Statement of Truth already expired on 12th June, 2025. It is well settled that even the court does not have power to extend the period of 120 days (Ref. **SCG Contracts India Pvt. Ltd. v. K.S. Chamankar Infrastructure Pvt. Ltd. & Anr.** AIR 2019 SUPREME COURT 2691) and Written Statement and Statement of Truth, if not filed in accordance with law, is not valid pleadings. (Ref. **ONGC vs. Planetcast Technologies, FAO (OS) (COMM) 137/2020** decided on 19.12.2023, by the Division Bench of Hon'ble High Court of Delhi). Hence, it is clarified that this Written Statement shall not form part of the record.
4. Put up on 26.09.2025. AR of plaintiff shall file affidavit and shall produce all original documents on next date.

(Pulastya Pramachala)
District Judge (Commercial Court-01),
Patiala House Courts Complex,
New Delhi/18.07.2025