

3 CS (COMM.) 5794/24

SH. NAIPAL SINGH VS. GURBAKHS SINGH B A
BUILDERS PVT LTD

30.10.2025 (At 12:39 PM)

Present: Sh. B.K. Pandey (appearing through V/C), ld. counsel
for plaintiff.
Sh. Manoram Nigam (appearing through V/C), ld.
counsel for defendant.

1. On 30.04.2025, this court had noted that WS was filed by defendant without any Statement of Truth. On that day, ld. counsel for defendant had sought time of 10 days to file the same and the court allowed that request. However, on the record as per office note, no Statement of Truth has been filed till date.
2. In the morning, this situation was so informed to Mr. Nigam and the matter was passed over because he submitted that it was already filed. Matter was passed over so that screenshot relating to online filing and the receipt of filing of hard copy could be presented before the court. However, despite passover given, no such material has been produced before me. Ld. counsel submits that being out of Delhi he is unable to appear physically before the court today and he seeks time to produce the material before the court to show filing of Statement of Truth.
3. Filing of Statement of Truth is a necessary requisite condition under the provisions of Commercial Courts Act and therefore, absence of the same has to have its implication regarding Written Statement so filed by the defendant. Therefore, I deem it fit to give one more opportunity to defendant to establish that such Statement of Truth was actually filed as per opportunity given by the court on 30.04.2025. The case is being adjourned on the request of ld. counsel for defendant to afford him this opportunity

and a cost of Rs.5,000/- is imposed upon defendant for causing this adjournment, which shall be paid to plaintiff on next date.

4. The next date would be the final date to show online filing of the Statement of Truth as well as filing of hard copy of the same.
5. As recorded on 21.08.2025 one replication to WS was already filed and copy was already supplied. Depending upon the filing of Statement of Truth, matter shall be taken up for the purpose of framing of issues and case management hearing. Put up on 03.12.2025.
6. Date is changed to **11.12.2025**, on the request of ld. counsel for plaintiff.

(Pulastya Pramachala)
District Judge (Commercial Court-01),
Patiala House Courts Complex,
New Delhi/30.10.2025