

Insolvency 2/23

MOHD AHTESHAM Vs. SHAKEEL PRACHA

18.12.2025

Present : Mohd. Furkan, Ld. Counsel for the petitioner.
Respondent no.1 already deleted vide order dated
03.06.2024.
Sh. S. S. Nizami, Ld. Counsel for respondent No.2.

It transpires that WS has already been filed on behalf of respondent no.2 along with an application u/o 8 Rule 1 r/w section 151 CPC seeking condonation of delay for filing of WS. Though, the application has been filed under wrong provisions but the prayer through the aforesaid application has been made to the effect that respondent no.2 be allowed to file the written statement in the present case on merits.

Ld. Counsel for the applicant/respondent no.2 submits that respondent no.2 was never served and in the report dated 03.08.2023 of Process Server, it has been mentioned that at the residence of respondent no.2, one person namely Haider was found, who stated himself to be the younger brother of the respondent no.2 but in fact, there is no person namely Haider who is residing at the address of the respondent no.2.

In view of the aforesaid facts, it is submitted by Ld. Counsel for respondent no.2 that since respondent no.2 has never been served, therefore, he be now allowed to file WS.

Upon inquiry, Ld. Counsel for respondent no.2 submitted that respondent no.2 has recently come to know about the present case, when the petitioner has served upon him the copy of the evidence affidavit in this case. At the end, it is requested to allow the application and take the WS filed on

Contd....2/-

behalf of respondent no.2 on record.

The application is strongly opposed by Ld. Counsel for petitioner, however, Ld. Counsel submitted that if at all, the court deems it appropriate to allow the application, then the respondent no.2 should be burdened with appropriate cost.

In view of the submissions and facts on record, the application filed on behalf of respondent no.2 stands allowed, subject to cost of Rs.1,500/- to be paid to petitioner on the next date of hearing.

Ld. Counsel for petitioner seeks time to file replication to the WS filed on behalf of respondent no.2.

Renotify for payment of cost and filing of replication, if any/further proceedings on **17.02.2026**.

(Gopal Krishan)
ASCJ-01 (Central)/Delhi
18.12.2025