

18 CS (COMM.) 741/25
CANARA BANK Vs. Ram Kripal

18.05.2026

Present: Sh.David, Clerk of counsel for plaintiff.
None for defendant.

The defendant was served through process server on 27.12.2025. However, despite being served neither written statement is filed nor anybody has appeared on behalf of defendant.

The defendant has failed to file written statement within the stipulated period of 30 days or within the extended period of 120 days. The Hon'ble Supreme Court of India, in **Civil Appeal No.1638/2019, in case titled as 'M/s SCG Contracts India Pvt. Ltd. Vs. K.S. Chamankar Infrastructure Pvt. Ltd & Ors', dated 12.02.2019**, has been pleased to held as under:-

“A perusal of these provisions would show that ordinarily a Written Statement is to be filed within a period of 30 days. However, grace period of a further 90 days is granted which the Court may employ for reasons to be recorded in writing and payment of such costs as it deems fit to allow such Written Statement to come on record. What is of great importance is the fact that beyond 120 days from the date of service of summons, the defendant shall forfeit the right to file the Written Statement and the Court shall not allow the Written Statement to be taken on record. This is further buttressed by the proviso in Order VIII Rule 10 also adding that the Court has no further power to extend the time beyond this period of 120 days”.

In view of settled law, this court has no power to extend the time beyond the period of 120 days for filing the written statement. Therefore, in the present facts and circumstances, **the right of the defendant Ram Kripal to file written statement is closed and his defence is struck off. The**

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defendant Ram Kripal is also proceeded exparte due to non appearance.

From the pleadings of the plaintiff, following notional issues are framed:-

1. Whether the plaintiff is entitled for the recovery of the suit amount, as prayed? (OPP).

2. Whether the plaintiff is entitled to any interest?, if yes, at what rate and for which period? (OPP)

3. Relief.

No other issue arises or is pressed/claimed.

Be put up for exparte evidence of the plaintiff on
18.08.2026.

(Devender Kumar Jangala)
District Judge (Commercial Court)-01
North-West, Rohini, Delhi.
18.05.2026