

CS (COMM) 438/26

MOHAN LAL PROPRIETOR OF UTTAM INDUSTRIES
THROUGH AR VARUN SONI
Vs.
LAXMI NARAYAN SHARMA PROP OF SHRI LAXMI TOOLS

10.08.2026

Present: Sh. Harish Kumar, Ld. Counsel for the plaintiff.
Sh. Himanshu Makkar, Ld. Counsel for defendant no.1 through VC.
Sh. Yashpreet Singh, Ld. Counsel for defendant no. 2 through VC.

Matter is listed today for replication, if any, admission-denial of documents, framing of issues and case management and arguments on application under Order XXXIX Rule 1 and 2 CPC.

Perusal of file shows that on 16.07.2026 defendant no.2 has filed written statement, reply to the application under Order XXXIX Rule 1 and 2 CPC, affidavit of admission-denial of documents, declaration under order XI Rule 6 (3) CPC and an application under order I Rule 10 (2) r/w section 151 CPC. Copies stated to be supplied to the plaintiff.

Plaintiff to file replication to the WS of defendant no.2 within statutory period.

Ld. Counsel for the defendant no.1 submits that though the defendant no.1 has supplied the advance copy of written statement to the plaintiff, however, the defendant no.1 could not file the written statement as yet as the same has not been signed by the defendant no.1 as defendant no.1 is resident of Jodhpur, Rajasthan.

Ld. Counsel for defendant no.1 submits that defendant no.1

will file the written statement alongwith appropriate application for condonation of delay in filing WS.

At this stage, ld. Counsel for plaintiff has filed an application under order XXXIX Rule 2A r/w section 151 CPC.

However, Ld. Counsel for the plaintiff submits that there is certain discrepancies in the above application under order XXXIX Rule 2A r/w section 151 CPC and therefore, he is withdrawing the said application and he may be permitted to withdraw the said application with liberty to file afresh.

In view of the above submissions of Ld. Counsel for the plaintiff, above application under order XXXIX Rule 2A r/w section 151 CPC is dismissed as withdrawn being not pressed with liberty to file afresh in accordance with law.

Ld. Counsels for the parties submit that there is also possibility of settlement and one opportunity may be granted for exploring settlement.

Parties are directed to appear in person on next date of hearing for exploring settlement.

In view of the above, matter is adjourned for 09.09.2026.

Put up on 09.09.2026 for settlement, if any, failing which, for argument on pending applications.

(LAL SINGH)
District Judge (Commercial Court)-12
Central District, Tis Hazari Courts /Delhi
10.08.2026 (A)