

26 CS DJ ADJ 922/24 AVINASH KUMAR VASISHT Vs. RBL BANK LTD

12.12.2025

Present: Sh. Rohit Kumar, Ld. Counsel for plaintiff along with plaintiff.
Sh. Sujit Kamti, Ld. Counsel for defendants (through VC).
Defendants are already declared *ex-parte* vide order dt. 25.03.2025.

Matter is fixed for arguments on application u/o IX Rule 7 CPC as well as on application u/s 5 of Limitation Act.

Arguments heard. Record perused.

Briefly stated, present suit for damages filed on behalf of the plaintiff due to negligence of defendants. Perusal of the record reveals that, vide order dated 23.09.2024 summons were issued and duly served upon defendants on 09.10.2024 however, no WS filed and none appeared on 25.03.2025 hence, defendants were proceeded *ex-parte*. Thereafter, application u/o IX Rule 7 CPC and application u/s 5 of Limitation Act seeking condonation of a delay in filing of application u/o IX Rule 7 CPC and WS filed.

It is contended that defendants could not file WS as the office of counsel for defendant was under renovation and his file was misplaced. However, except making this bald statement, no detail of execution of Vakalatnama, engagement of counsel, date of renovation is given. Thus, in the considered opinion of this court, defendant failed to give any sufficient cause for condonation of delay in filing of WS and for non-appearance. But, in the interest of justice, opportunity is granted to defendant to put forth his defence subject to cost of Rs. 5000/- to be paid to the plaintiff. Delay in filing the application u/o IX Rule 7 CPC stands condoned. *Ex-parte* proceedings dt.

25.03.2025 are recalled. WS is taken on record. **Both applications stands disposed off accordingly.**

At this stage, Ld. Counsel for plaintiff seeks time to file replication. Let the same be filed within four weeks with advance copy to opposite side.

Both parties are also directed to file affidavit of admission/denial of documents.

Put up for replication if any, admission/denial of documents and framing of issues on **16.03.2026.**

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 12.12.2025 (sr)