

**M/S G M STONES Vs. MODERN CONSTRUCTION
COMPANY (DELHI) AND ORS**

10.08.2026

Present: Mr. Aditya Ladha, Ld. Counsel for plaintiff (present in court).
Mr. Aman Bhalla, Ld. Counsel for defendants no. 1 and 2 (through VC).
Mr. Neeraj Kumar, Ld. Counsel for defendants no. 1 and 2 (present in court).
Ms. Anvita Priyadarshi, Ld. Counsel for defendant no. 3.

Reply is filed on behalf of defendant no. 3 to the application of plaintiff seeking issuance of summons for judgment for defendants no. 1 and 2 and proceeding ex-parte against defendant no. 3.

Reply is filed on behalf of defendant no. 3 to the application under Order XXXVIII Rule 5 read with Section 151 of CPC filed by the plaintiff.

Reply is also filed on behalf of defendant no. 3 to the application under Order XXXIX Rules 1 and 2 read with Section 151 of CPC.

Application under Order XXXVII Rule 3(5) read with Section 151 of CPC seeking leave to defend is filed on behalf of defendants no. 1 and 2.

Heard. Perused.

Ld. Counsel for defendant no. 3 while admitting that the summons for appearance was served upon defendant no. 3 on 09.04.2026, has stated that the appearance under Order 37 CPC was put in beyond statutory period of 10 days and Ld. Counsel

for the said defendant had appeared on 20.05.2026 but the formal appearance as per Order 37 CPC was put in only on 23.05.2026 and that application for condonation of delay in putting in appearance under Order 37 CPC has already been filed on behalf of the said defendant.

Ld. Counsel for plaintiff has admitted that copies thereof has already been received by him. He accepts notice of the said application. Reply thereto may be filed before the next date of hearing with a copy thereof to be supplied to Ld. Counsel for defendant no. 3.

Ld. Counsel for defendants no. 1 and 2 has admitted that the said defendants were served with the summons for judgment on 04.06.2026 and that leave to defend application along with condonation of delay in filing the leave to defend application, shall be filed during the course of the day with advance copy thereof shall be supplied to the opposite party. Ld. Counsel for plaintiff has accepted the notice of the said application (subject to the said applications coming on record). Reply thereto may be filed before the next date of hearing with a copy thereof to be supplied to Ld. Counsel for the opposite side.

Re-notify for arguments on the abovesaid applications on **26.09.2026**.

Ashutosh Kumar
District Judge (Commercial Court)-02
Patiala House Court, New Delhi
10.08.2026