

**17 CS (COMM.) 679/25 COGOPORT PVT LTD. VS. SHALIA
EXPORT AND IMPORT PVT LTD**

20.04.2026

Present : Sh. Uday Kumar (VC) and Ms. Manjari Dhooper,
Id. Counsels for plaintiff.
Sh. Nishant, Ld. Counsel for defendant (VC).

Written statement along with Statement of Truth, affidavit of admission / denial of documents and vakalatnama has been filed on behalf of defendant. An application VIII Rule 1 of CPC r/w Section 151 of CPC seeking condonation of delay of 76 days in filing written statement has also been filed on behalf of defendant. Learned counsel for defendant submits that the defendant was served on 13.10.2025 and the written statement is stated to have been e-filed on 27.01.2026 and the hard copy of the written statement was filed by the defendant on 06.02.2026 with the delay of 76 days i.e. beyond the prescribed period of 30 days and prays that the same be condoned. It is further stated that the defendant is a resident of Kolkata and he was unable to travel to sign the documents due to unavailability of tickets for travel.

Learned counsel for plaintiff submits that no cogent reason has been furnished for delay in filing written statement and hence the said application may be dismissed.

Heard on application seeking condonation of delay in filing of written statement filed on behalf of defendant.

The written statement has been filed within the maximum period of 120 days and within the period of 90 days from the stipulated period of 30 days.

Having regard thereto and the fact as narrated in the application and further in view of well settled law that the Court should adopt liberal and justice oriented approach in the matter of condonation of delay. Delay in filing of Written Statement of defendant stands condoned, subject to cost of Rs.12,000/- to be deposited with National Defence Fund, bearing A/c No. 11084239799, State Bank of India, Institutional Division, 4th Floor, Parliament Street, New Delhi. Receipt of deposit of cost be placed on record on or before the next date of hearing.

Written statement filed on behalf of defendant is taken on record. Copy supplied to learned counsel for plaintiff.

The application u/o VIII Rule 1 CPC filed on behalf of defendant is accordingly disposed off.

Replication to the written statement filed by the defendant has also been filed by the plaintiff.

Renotify the matter for completion of pleadings, admission / denial of documents and framing of issues on **21.08.2026**.

(DEEPALI SHARMA)
District Judge (Commercial Court)-03
PHC / New Delhi / 20.04.2026