

C.S. (COMM) 92/25
RIYAZ AKBAR VS. NAWAB MALIK

29.08.2025

Present: Sh. P.R. Sharma, Ld. Counsel for plaintiff.
Sh. Manjul Mayank Shukla, Ld. Counsel for
defendant (through video conferencing).

Written statement-cum-counter claim, Statement of Truth, affidavit of admission-denial of plaintiff's documents, list of documents along with an application under section 5 of Limitation Act read with section 151 CPC for condonation of delay in filing the written statement filed by the defendant. Copies already supplied.

Heard. For the reasons mentioned in the application, same stands allowed and the delay in filing the written statement is hereby condoned. Written statement is taken on record.

Ld. Counsel for the defendant submits that since the compliance of section XIIA of the Commercial Courts Act has not been complied by the defendant before filing the counter claim, the written statement cum counter claim may be treated as written statement only. Heard. In view of the submissions made, the written statement-cum-counter claim is treated as written statement only. However, the defendant is at liberty to avail the legal remedy of section XIIA of the Commercial Courts Act before filing the counter claim. Original court fees be returned to counsel for defendant against acknowledgment as per rules.

Put up for filing of replication, if any/framing of issues on **12.09.2025**.

(Gorakh Nath Pandey)
District Judge (Commercial Court)
North-East, KKD Courts, Delhi/29.08.2025