

16.02.2026

Present: Sh. Vivek Luthera and Sh. Deepak Lohchab, Ld.
Counsel (s) for the plaintiff.
Sh. Vasu Singh, Ld. Counsel for the defendant
alongwith Sh. Pradeep Kumar, AE/MCD.
Sh. Subham Kumar, JE/MCD.

Reply to the application for condonation of delay in
filing the written statement filed by the plaintiff. Copy supplied.

Heard.

It is stated in the application that the delay in filing
of the written statement was due to procedural delay as the MCD
is a government department. And, further due to segregation
amount from the consolidated amount in all of the 7 work orders
from the department took time and prayer is accordingly being
made for condonation of delay in filing the written statement.

Reply to the application has been filed by the
plaintiff. The Ld. counsel for the plaintiff submits that the written
statement has been filed at 121th day from the date of service of
summons upon defendant which cannot be permitted to be taken
on record and accordingly, delay cannot be condoned. It is further
submitted that the 120 day should be renocked from the date of
service of summons upon the defendant.

Arguments considered.

Herein the present suit the defendant was duly
served on 28.07.2025. The date/day of services should be
excluded for the computation of period of limitation in view of
section 12(1) Limitation Act 1963. The Order VIII Rule 1 of
Commercial Act has no non obstante clause. So far the

computation of limitation the date of service of summons should be excluded. This court considered that the WS has been filed within outer limit of 120 days as written statement was filed on 25.11.2025 through E-mode at 03.24 PM. So far as the reasons for not filing the written statement within 30 days from the date of service explained by the defendant are plausible reason.

Accordingly, I allow the application for condonation of delay by imposing Rs. 2500/- upon the defendant which shall be paid to the counsel for the plaintiff. The plaintiff may file application and affidavit of admissions/denial to the documents of defendant with advance copy of the defendant.

Put up for case management hearing/framing of issues on 30.03.2026.

(JAGDISH KUMAR)

District Judge, Comm. Court-01

North, Rohini Courts, Delhi

16.02.2026