

CS (COMM)1209/22
PERNOD RICARD INDIA PRIVATE LIMITED Vs.
SUMIT CHAUHAN

22.05.2023

Present : Ms. Ashna Madan, Proxy Counsel for plaintiff.
None for defendant.

Defendant has been served with summons of the suit
on 02.01.2023.

Be awaited for defendant.

(Preeti Agrawal Gupta)
District Judge (Commercial Court)-05
South-East/Saket/New Delhi.
22.05.2023

At 3:30 PM

Present : Ms. Ashna Madan, Proxy Counsel for plaintiff.
None for defendant.

None has appeared on behalf of the defendant despite repeated calls and awaiting since morning. No Written Statement has been filed on behalf of defendant, within the statutory period as per mandate of Commercial Courts Act, 2015.

In view of the binding judgment of Hon'ble Supreme Court of India, passed in **Civil Appeal No.1638/2019**, in case titled '*M/s. SCG Contracts India Pvt. Ltd. Vs. K.S. Chamankar Infrastructure Pvt. Ltd. & Ors., vide orders dated 12.02.2019*', even the extended period for filing Written Statement can not be beyond 120 days from the date of effective

service of the defendant. Requisite period has been lapsed and no Written Statement has been filed.

In the facts and circumstances, **right to file Written Statement** by defendant is **forfeited** and **defence of the defendant is hereby struck off**, by operation of Law.

Even otherwise, since the defendant has *failed to appear* and participate in the proceedings *despite service on 02.01.2023*, he is **proceeded** with *ex-parte*.

Put up for *ex-parte* P.E. on **16.08.2023**.

(Preeti Agrawal Gupta)
District Judge (Commercial Court)-05
South-East/Saket/New Delhi.
22.05.2023