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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 216/2024**

**SUNFLAME ENTERPRISES P. LTD.**

.....Plaintiff

Through: Mr. Sachin Gupta, Mr.  
Manan Mondal, Mr. Rohit  
Pradhan, Ms Prashansa  
Singh, Mr. Ajay Kumar &  
Ms. Archana, Advs.  
(M- 9811180270)  
([infor@litlegal.in](mailto:infor@litlegal.in))

versus

**KITCHENOPEDIA APPLIANCES P. LTD. & ANR.**

.....Defendant

Through: Mr. Abhishek Kotnala, Adv.  
(M- 8860292115)

**CORAM:**  
**SIDHARTH MATHUR (DHJS), JOINT REGISTRAR**  
**(JUDICIAL)**

**ORDER**

% **22.08.2024**

The written statement shall be deemed to be taken on record, subject to the clearance of the costs on or before the NDOH. The plaintiff shall accordingly file the replication as per law.

Once their pleadings are completed, the parties shall then file the photocopies of their admitted-documents, if not already filed and the joint schedule of the documents.

List the matter for admission-denial and marking of exhibits on the date already fixed i.e. **30.09.2024**.

**IA No. 37028/2024 (By defendant u/s 5 of the Limitation Act r/w Section 151 CPC seeking condonation of the delay of 67 days in filing the written statement along with supporting affidavit)**



The delay sought to be condoned is of 67 days beyond the stipulated period of 30 days. The counsel for the plaintiff states that he is pressing of heavy costs keeping in view the dilatory conduct of the defendant. The counsel for the defendant states that the delay was occasioned due to certain unavoidable circumstances as noted in his application.

Be that as it may, admittedly there is a delay of 67 days beyond 30 days and I am of the view that it should be condoned subject to costs. Accordingly in the larger interest of justice, the application is allowed, subject to the costs of Rs. 5,000/-. The counsel for the defendant states that the costs is unjustified in view of the reasons mentioned in his application. I disagree with this submission and the costs as noted above are sustained. The defendant shall clear the costs before or on the next hearing, whereafter the written statement shall be deemed to be taken on record.

**IA No. 37031/2024 (By defendants u/s 5 of the Limitation Act r/w Section 151 CPC seeking condonation of the delay in filing the reply to the injunction application [IA No. 5557/2024] along with supporting affidavit)**

The delay sought to be condoned is of 67 days beyond the stipulated period of 30 days. The counsel for the plaintiff states that he is pressing of heavy costs keeping in view the dilatory conduct of the defendant. The counsel for the defendant states that the delay was occasioned due to certain unavoidable circumstances as noted in his application.

Be that as it may, admittedly there is a delay of 67 days



beyond 30 days and I am of the view that it should be condoned subject to costs. Accordingly in the larger interest of justice, the application is allowed, subject to the costs of Rs. 5,000/-. The counsel for the defendant states that the costs is unjustified in view of the reasons mentioned in his application. I disagree with this submission and the costs as noted above are sustained. The defendant shall clear the costs before or on the next hearing, whereafter the reply to the injunction application [IA No. 5557/2024] shall be deemed to be taken on record.

**SIDHARTH MATHUR (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**AUGUST 22, 2024/jr**

*Click here to check corrigendum, if any*