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

+ **CM(M) 891/2023**

MRS RITIKA NAYYAR

..... Petitioner

Through: Mr. Kamal Bansal and Ms. Monika Verma, Advocates.

versus

M/S TRIAD MARKETING SERVICES & ORS. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

25.05.2023

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[The proceeding has been conducted through Hybrid mode]

CM APPL. 28450/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 891/2023 & CM APPL. 28449/2023 (for stay)

3. Petitioner challenges the order dated 01.03.2023 passed by the learned Trial Court in CS (COMM.) No. 496/2022 titled as "*Ritika Nayyar vs. Triad Marketing Services*" whereby while allowing an application of the respondent/ defendant under Order XVIII Rule 1 of the CPC, 1908 took on record the written statement that was filed belatedly.
4. Mr. Bansal, learned counsel appearing for the petitioner submits that the said impugned order is contrary to the judgment of



this Court in ***Unilin Beheer B.V. vs. Balaji Action Buildwell*** reported in (2019) SCC OnLine Del 8498 as also in ***Mayank Gupta vs. Aditya Birla Fashion and Retail Ltd.*** reported in (2023) SCC OnLine 1485.

5. Mr. Bansal, learned counsel for the petitioner submits that not only that the admission/denial was not filed along with the written statement, the other aspect is that even the application seeking condonation of delay in filing the written statement was filed subsequently beyond the stipulated time, and as such also cannot be condoned.

6. Issue notice. On petitioner taking steps within a week, notice may be served upon the respondents through all permissible modes. Additionally, through learned counsel appearing for the respondents before the learned Trial Court.

7. Reply, if any, be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

8. List on 03.08.2023.

TUSHAR RAO GEDELA, J

MAY 25, 2023/nd