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

+ **CS(COMM) 371/2023**

M/S AHMED ZAI YASSER LTDPlaintiff

Through: Ms. Upasana Pahuja, Adv. (Through VC)

versus

M/S RDB ENTERPRISES & ANR.Defendants

Through: Mr. Anil Dagar, Adv. (Through VC)

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

% **02.08.2024**

I.A. No. 8745/2024 under Order VIII Rule 1 CPC seeking condonation of delay in filing Written Statement and I.A. No. 8746/2024 for condonation of delay in re-filing the written statement moved by the defendants

Arguments heard.

It is submitted on behalf of the defendant that written statement could not be filed within the stipulated period of 30 days because the counsel was not well being heart patient. Further, because of the arranging all the documents and going through the same, consumed the time resulting into delay of about 20 days in filing and thereafter, further delay in re-filing the same after removing the objections.

Learned counsel for plaintiff opposed the applications stating that there are no reasonable grounds mentioned in the application for condoning the delay. The medical documents attached with the applications are also of 10.01.2024. The applications are without any merit and liable to be dismissed.



I have considered the submissions. The summons were served on 05.12.2023 and written statement was initially filed on 27.01.2024 i.e. after a delay of about 22 days. Further delay was caused because of the objections. The medical annexed with the application is of 10.01.2024 i.e. the period of initial 30 days in filing the written statement. Further the nature of disease mentioned in the application cannot be stated to be momentary, 1 or 2 days, disease as same requires a continuous treatment. Therefore, it cannot be stated that the reasons are groundless. Hence, in view of the facts and circumstances, the delay in filing the written statement stands condoned.

Both the captioned IAs are allowed and **disposed of**.

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Written statement with affidavit of admission / denial on behalf of defendant no. 1 & 2 be taken on record. Replication with affidavit of admission / denial has already been filed.

Put up for completion of process of filing of Joint Document Schedule in terms of **Rule 7A of Chapter VII of The Delhi High Court (Original Side) Rules, 2018** physically by plaintiff after getting it signed from defendants, admission / denial of documents and marking of Exhibits in accordance with law on 11.11.2024.

Documents, if e-filed be filed physically by parties so as to mark the Exhibits.

DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)

AUGUST 2, 2024/sms

Click here to check corrigendum, if any