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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 371/2025**
T.V. TODAY NETWORK LIMITED

.....Plaintiff

Through: Mr. Hrishikesh Baruah,
Mr. Uttkarsh Dwivedi,
Advocates

versus

ABP NETWORK PRIVATE LIMITED

.....Defendant

Through: Ms. Nida Khanam (VC),
Advocate

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER

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09.12.2025

I.A. No. 22997/2025 on behalf of the defendant seeking condonation of delay of 36 days (inadvertently mentioned as 41 days in the title of the IA) in filing the written statement and reply to application filed by the plaintiff under order 39 rule (1) & (2) CPC (I.A. No. 10219/2025).

1. Defendant's plea for seeking condonation of delay of 36 days in filing its written statement and reply to IA No. 10219/2025 has met with stiff opposition for the plaintiff on 2 grounds.

2. *First*, defendant was served with an advance copy of the plaint/suit papers, as is required by Rule 22 of the IPD Rules of the Delhi High Court and hence, defendant was required to be represented before the Hon'ble Court at the first hearing itself which it did not. The advance service was carried out on 22 April 2025 and the suit was listed for first hearing before the Hon'ble Court on 24 April 2025. Resultantly, defendant cannot and



should not be permitted to work out the period to file written statement from 4th July 2025 which is the date when summons were formally accepted before the Hon'ble Court but rather from 24.04.2025 when summons were directed to be issued, and in view of advance service having been effected, summons should be deemed to have been served on 24.04.2025. *Second*, defendant has not highlighted any specific ground in the present IA warranting condonation of delay.

3. In regard to the first submission premised on Rule 22 of the IPD rules, it was submitted on behalf of the plaintiff that in view of the mandatory requirement for the defendant to appear on the first hearing after being served in advance, the Hon'ble Court can proceed ahead without issuing any further Notice to the defendant. Ld. counsel for the plaintiff also relied on 2 judgments of the **Hon'ble** Delhi High Court in support of his submissions *i.e.*

Red Bull AG vs. Pepsico India Holdings Pvt. Ltd. and Another

2019 SCC OnLine Del 9901

House of Diagnostics LLP and Others vs. House of Pathology Labs Pvt. Ltd

2023 SCC OnLine Del 7708

4. *In response*, it was submitted on behalf of the defendant that Rule 22 of the IPD does not mandate that period to file written statement has to commence from the date of advance service or even first hearing, or else the statutory requirement of service of summons becomes redundant. It was further submitted that a specific plea has been taken in the present IA that the delay occurred on account of voluminous documents having to be



perused/gone into. It was elaborated on this aspect that defendant had to compare approx. 140 videos of 3rd party entities to effectively respond to and rebut the allegation of copyright violation set up by the plaintiff (which submission is buttressed by the fact that a number of CD's containing those videos have been filed as defendant docs.)

5. *I have carefully considered the rival submissions.*

6. Plaintiff's reliance on Rule 22 of the IPD Rules in so far as the facts of the present IA are concerned, is misplaced. Rule 22 lays down that if the defendant does not appear on the first hearing despite being served in advance, Hon'ble Court may proceed ahead without issuing further notice. However, in the present suit, Hon'ble Court patently did not adopt the said course and issued formal summons to the defendant on 4 July 2025 which were accepted before the Hon'ble Court on the same date. The reliance placed by plaintiff on the judgment *Red Bull AG vs. Pepsico India Holdings Pvt. Ltd. and Another* is also misplaced since the facts of the cited judgment were completely dissimilar. Summons were never issued to the defendant in the cited judgment and the parties had gone in for mediation on the first hearing itself. Written statement had thereafter been filed after the mediation proceedings were not successful. Even in the cited case, Hon'ble Court had allowed the written statement to come on record as the same had been filed within the maximum extendable period, as worked out from the date when mediation broke down. In the present suit however, summons had been formally served on the defendant.



7. The 2nd judgment relied on by the plaintiff also does not support the submission of the plaintiff in as much as the cited judgment only deals with the requirement of complying with Rule 22 of the IPD Rules by the plaintiff.

8. The oral submission of the defendant explaining the voluminous nature of documents having to be perused, coupled with necessary averment in the IA in this regard furnishes sufficient reason to condone the delay although the IA should have been elaborate in explaining the specific reason. Consequently, the delay is condoned subject to cost of Rs. 1000, to be deposited with *bharat ke veer* Fund (online portal) or with Delhi High Court Bar Clerks Asscn., at the option of the defendant. Replication if any, and rejoinder in IA No. 10219/2025 be filed within the prescribed period, as worked out from today without waiting for confirmation from the defendant regarding payment of cost. The cost be deposited within 3 weeks failing which further enhanced cost of Rs. 5000/- shall be imposed. Proof of cost be furnished with the Registry within 4 weeks. **The IA stands disposed off**

CS(COMM) 371/2025 and
I.A. No. 10219/2025 (u/o-XXXIX Rules 1 and 2 of the CPC).

9. Written statement and reply to I.A. No. 10219/2025 have been taken on record today. Same should be **re-filed** within 5 days whereafter the Registry is directed to place both the pleadings on record.



10. Matter is already listed before the Hon'ble Court for 12.12.2025. Be placed before the Hon'ble Court on the date already fixed i.e. 12.12.2025, for further directions.

**Dr. AJAY GULATI
(DHJS),
JOINT REGISTRAR (JUDICIAL)**

DECEMBER 9, 2025/sk