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* IN THE HIGH COURT OF DELHI AT
NEW DELHI

+ CS(COMM) 459/2025

MONKSAYS SUPERFOODS PRIVATE LIMITED

.....Plaintiff

Through: Ms. Anjuri Saxena and
Ms. Ananya Roshyan,
Advs.

versus

GOLDEN HERBS NUTRACEUTICALS AND OTHERS

.....Defendant

Through: Mr. Harihar Pratap Singh
and Mr. Brajesh Kumar,
Adv for D-6,7,8,10 and 11
(VC).

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. SWATI KATIYAR

ORDER

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27.02.2026

**Fresh I.A. 5645/2026 Application on behalf of the plaintiff
under Section 152 read with section 151 of the code of Civil
Procedure, 1908 seeking amendment of the Order dated
February 23, 2026, passed by this court.**

1. Issue notice. Ld. counsel for defendant nos. 6,7, 8, 10 and 11 accepts notice.
2. Submissions heard. Record perused.
3. Vide the present application, Ld. counsel for the plaintiff submits that this court vide order dated 23.02.2026 allowed the application filed by defendant no.6,7,8,10 and 11 under Order 8 Rule 1 CPC bearing IA No.4957/2026 and IA No.4958/2026 seeking condonation of delay in filing written statement and took the written statement of



defendants on record.

4. It is submitted by Ld. counsel for the plaintiff that the defendants neither filed their written statements nor served copy of the same upon the plaintiff. It is submitted that the defendants have only filed their reply to the plaintiff's application under Order 39 Rule 1 and 2 CPC. It is submitted that since no written statement has been filed, observations made in paragraph 2 and 9 of the order appear to have been passed under an inadvertent assumption. It is thus prayed that necessary amendment may be made in paragraph no.2, 5 and 9 of the impugned order.
5. Ld. counsel for defendant nos.6,7,8,10 and 11 fairly concedes that no written statement has been filed on record by defendant nos.6, 7, 8, 10 and 11 till date and inadvertently, they could not inform the court about the same.
6. It is seen that the present application has been moved under section 152 read with section 151 of the Code of Civil Procedure seeking amendment in order dated 23.02.2026, however, section 152 provides for amendment of clerical or arithmetical errors in the orders, whereas this is not the case in the present matter as the amendment sought by the plaintiff is not clerical or arithmetical but is in the nature of review of order dated 23.02.2026. Hence, the present application is treated as an application under section 114 read with Order 47 Rule 1 CPC.
7. Moving forward, a perusal of order dated 23.02.2026 shows that when IAs no.4957/2026 and 4958/2026 were taken up for hearing, it was not informed by either of the parties that the written statement has not been filed by



defendant nos.6,7,8,10 and 11 on record. Since the written statement has not been filed by defendant nos.6, 7, 8, 10 and 11, no question arises of condoning the delay or taking the written statements on record as mentioned in the order dated 23.02.2026. Thus, there is an error apparent on the face of record and in view of the same, the order dated 23.02.2026 stands reviewed and set aside to the extent of condoning delay and taking written statement of defendant nos.6,7,8, 10 and 11 on record.

8. The observation made in paragraph 5 of order dated 23.02.2026 are also modified to the extent that the reply has been filed by defendant nos.6, 7, 8, 10 and 11 but the same is lying under office objection.
9. With the aforesaid observations, order dated 23.02.2026 stands modified accordingly. IA stands disposed off.

**MS. SWATI KATIYAR,
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 27, 2026/bk