



\$~77 (Appellate)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 773/2022 & CM APPL. 34282/2022, CM APPL. 34283/2022

K K KAPOOR Petitioner
Through: Mr. Mr. Kamal Bansal and Mr.
Kunan Lal Gupta, Advs.

versus

M/S. SR ASHOK AND ASSOCIATES PVT LTD & ORS.
..... Respondents
Through: Mr. Raghunandan Sharma and
Mr. Manish Kaushik, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

% **ORDER**
04.08.2022

1. One of the issues that is thrown up by this petition, under Article 227 of the Constitution of India, is whether, if the written statement, unaccompanied by a Statement of Truth, in a commercial suit is filed within 30 days or beyond 30 days but within 120 days and the delay in filing the written statement is found to be condonable, the written statement is nonetheless required to be taken off the record if the Statement of Truth comes to be filed beyond the maximum condonable period of 120 days.

2. Learned Counsel for the petitioner submits, relying on the judgment of a Coordinate Bench of this Court in *M/s Steel Stripes*



Wheels Ltd. v. Ms. Tata AIG General Insurance Co. Ltd.¹, that the answers to this query is necessarily to be in the affirmative.

3. Learned Counsel for the respondent seeks a day's time in order to examine the decision on which learned Counsel for the petitioner has placed reliance.

4. Accordingly, re-notify on 8th August 2022.

C. HARI SHANKAR, J.

AUGUST 4, 2022

dsn

¹ 2020 SCC OnLine Del 2079