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

\+ CS(COMM) 468/2019

M/S FORTIS HOSPITALS LIMITED .....Plaintiff

Through: Ms. Anindita Roy Chowdhury, Mr. Saurabh Batra, Advs.

versus

M/S BEST HEALTHCARE PRIVATE LIMITED & ORS.

.....Defendants

Through: Mr. Rishi Agarwala, Ms. Shruti Arora, Mr. Daanish Abbasi Advs. for Defendant No. 9 Religare Finvest
Mr. Arshdeep Singh Khurana, Ms. Neeha Nagpal, Mr. Vishvendra Tomar, Mr. Nikunj Mahajan and Mr. Sulakshan S. Vedartham, Advocates for Appellant in O.A. 56/2026

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

O R D E R

% 18.03.2026

I.A. 7076/2026, I.A. 7077/2026, O.A. 56/2026

1. O.A. 56/2026 has been filed by the Defendants No.6 & 7 challenging the Order dated 13.11.2025 passed by the learned Joint Registrar (Judicial), dismissing I.A. No. 3463/2020 for non-prosecution, which was filed by the Defendants No.6 & 7 seeking condonation of delay in filing the Written Statement.

2. A perusal of the Order dated 13.11.2025 shows that I.A. No. 3463/2020, which was filed by the Defendants No.6 & 7 seeking condonation of delay in filing the Written Statement, was dismissed on the ground of non-prosecution for the reason that the learned Counsel for Defendants No.6 & 7 was not appearing before the learned Joint Registrar for a few dates. In the present Appeal, reasons have been given as to why the

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learned Counsel for the Defendants No.6 & 7 could not appear before the learned Joint Registrar.

3. While this Court is conscious that procedural discipline is essential and parties cannot be permitted to prolong the cases at their will, it is equally settled that procedure is the handmaiden of justice and not its mistress. Procedural rules are intended to advance the cause of justice and not to thwart adjudication on merits.

4. In view of the above, this Court is inclined to set aside the Order dated 13.11.2025 and remand the matter back to the learned Joint Registrar to consider I.A. No. 3463/2020 afresh and decide as to whether the delay in filing the Written Statement by the Defendants No. 6 and 7 was *bona fide* or not.

5. Accordingly, I.A. No. 3463/2020 is restored to its original number and remanded back to the learned Joint Registrar for fresh consideration, subject to the cost of Rs.25,000/- to be deposited by the Defendant No.6 & 7 with the *Armed Forces Battle Casualties Welfare Fund* within a period of two weeks from today.

6. The Appeal is disposed of along with I.A. 7076/2026 & I.A. 7077/2026.

7. List before the Joint Registrar on 05.05.2026 for considering I.A. No. 3463/2020 afresh.

8. The date already fixed, i.e. 09.04.2026 stands cancelled.

SUBRAMONIUM PRASAD, J

MARCH 18, 2026
Rahul

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