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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3195/2024 & CM APPL. 47898/2024**
ADVANTAGE COMPUTERS INDIA PRIVATE LIMITED

.....Petitioner

Through: Mr. Abhay Sahai, Mr. Manoj Loomba
with Ms. Pallavi Govil, Advocates.

versus

SANDEEP JAIN & ANR.

.....Respondents

Through: Appearance not given.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
21.08.2024

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CM APPL. 47897/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioner is plaintiff before the learned Trial Court.
2. Admittedly, the defendant had filed a written statement within 46 days reckoned from the date of service but it is contended that the application seeking condonation of delay in filing such written statement was filed beyond the period of 120 days and, therefore, in such a situation, the learned Trial Court should have directed the written Statement to be taken off the record.
3. The grievance of the plaintiff is limited to the effect that the learned Trial Court has allowed the written statement to be taken on record despite the fact that the application seeking condonation of delay had been moved

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beyond the outer limit of 120 days and resultantly, the plaintiff's application moved under order VIII Rule 10 read with Section 151 CPC has also been dismissed.

4. Issue notice to respondent through all permissible modes including dasti, returnable on 22nd November, 2024. Notice be also issued through counsel.

5. In the meanwhile, learned Trial Court is requested to defer the matter to a date subsequent to one given by this Court.

MANOJ JAIN, J

AUGUST 21, 2024/ss