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

+ **CS(COMM) 914/2023**

KONINKLIJKE PHILIPS N. V. & ORS. Plaintiffs

Through: **Mr. Krishna Gambhir, Advocate.**

versus

KARMA MINDTECH & ORS. Defendants

Through: **Mr. Neeraj K Gupta, Mr. Akshaya
Agarwal, Mr. Ranjeet Singh & Mr.
Shivang Srivastava, Advocates.
(Through VC)
Mr. Kunal Khanna, Advocate.
(Through VC)**

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. AJAY GULATI

ORDER

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24.05.2024

**I.A. No. 30202/2024 filed by defendant no. 2 for condonation of delay of
89 days in filing written statement.**

Learned counsel for the plaintiff accepts notice, and submits that he has no objection to the delay being condoned subject to imposition of a reasonable cost. Learned counsel for the defendants highlights that the delay in filing the written statement is on account of the fact that all the technical gadgets of defendant no. 2 which contain material information regarding the suit, are in the custody of the police and consequently, written statement could not be filed in time.

I have considered the submissions. On a specific query by the Court,



learned counsel for the applicant confirms that the technical gadgets of defendant no. 2 still continue to be in the custody of the police. If that be so, defendant no. 2 could not have possibly filed the written statement at all since all the material information concerning the suit is said to be in those gadgets but yet the written statement has been filed on the 119th day (from the date of service of complete paper book). This Court is not inclined to believe the assertion of the applicant that all material details pertaining to the suit and concerning defendant no. 2/applicant were only available in digital form. However, since the written statement has been filed within the maximum permissible period, I deem it appropriate to condone the delay subject however, to a cost of Rs. 5,000/-, to be paid to the plaintiff within three weeks failing which written statement shall be deemed to have been taken off the record.

Replication, however be, filed within the permissible as worked out from today.

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

MAY 24, 2024/Ni

Click here to check corrigendum, if any