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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 837/2023**
G.D. PHARMACEUTICALS PRIVATE LIMITED
.....Plaintiff

Through: Mr. Vishal Nagpal, Mr. Sharad
Besoya, Advocates

versus

HELBREDE HEALTHCARE LTD & ANR.Defendant

Through: Ms. Sarika Gupta (VC),
Advocate for D-1 & 2.

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

% **ORDER**
13.08.2024

I.A. No. 29495/2024 filed by D-1 & 2 for seeking condonation of delay of 89 days in filing the written statement alongwith the affidavit of admission and denial.

1. Ld. Counsel for the defendants submits that the written statement had been filed on the 119th day i.e. 24.04.2024 from the date of service of summons, as worked out from 27.12.2023 which is the date of service mentioned in the order dated 16.01.2024. In response, ld. Counsel for the plaintiff has highlighted that though the said date of 27.12.2023 has indeed been mentioned in the order of 16.01.2024, the said date was mentioned on the basis of affidavit of service filed by the plaintiff. Ld. Counsel has further highlighted that as per the affidavit of service, defendants were served on 23.12.2023 through email. Ld. Counsel for the defendants submits in rebuttal that plaintiff should have moved a modification application regarding the date of service as mentioned in the order dated



16.01.2024. In the understanding of the Court, no such modification was or is required since service of summons is a matter of record and simply because date of service of summons through email was not mentioned in the order dated 16.01.2024, would not mean that the defendants were not served through email on 23.12.2023. Ld. Counsel for the defendants also submits that as on 16.01.2024, the affidavit of service was not on record which is incorrect since this Court has referred to the affidavit of service while recording that defendants have been served on 27.12.2023. Consequently, the written statement having been filed beyond the maximum permissible 120 day period, cannot be taken on record. The application is thus declined.

2. Matter is already listed before the Hon'ble Court for 01.10.2024. Put up before the Hon'ble Court on the date already fixed i.e. 01.10.2024, for further directions.

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

AUGUST 13, 2024/sk

[Click here to check corrigendum, if any](#)