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

+ **CM(M) 2051/2025**

VIJAY LAXMI KALA

.....Petitioner

Through: Mr. Mohit Bhardwaj, Advocate
(through videoconferencing).

versus

ANITA UPADHYAY

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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28.10.2025

CM APPL. 66709/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 2051/2025 & CM APPL. 66710/2025 (stay)

2. Petitioner/plaintiff has assailed order dated 24.09.2025 of the learned trial court, whereby on oral request pleading inadvertence, delay in filing Written Statement was condoned despite non-payment of even the earlier cost. Further, even the application of petitioner/plaintiff under Order VIII Rule 10 CPC was dismissed with a single liner that the learned trial court did not find sufficient basis for allowing the application. Learned counsel for petitioner/plaintiff contends that the impugned order is perverse and not sustainable because firstly, there was no formal application under Order VIII Rule 1 CPC explaining the delay and more importantly, by way of order dated 17.12.2024, the defence had already been struck off.

3. Subject to petitioner/plaintiff taking steps within one week, notice



through all modes be issued to the respondent, returnable on 02.03.2026 before Registrar.

4. Proceedings before the trial court shall remain stayed till next date.

OCTOBER 28, 2025/dr

GIRISH KATHPALIA, J