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

+ CS(COMM) 36/2025

VVDN TECHNOLOGIES PVT LTD Plaintiff

Through: Mr. Sumit Chander & Mr.
Gurdeep Chauhan, Advs.
(appeared through VC)

versus

M/S HERO ELECTRONIX PRIVATE LIMITED & ANR.
..... Defendant

Through: Mr. Aarushi Singh, Ms. Riya
Parihar & Mr. Chirag Sahani,
Advs.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

06.02.2026

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**I.A.No.32170/2025 (under Order VIII Rule 1 CPC filed
on behalf of the defendants seeking condonation of
delay in filing written statement)**

1. It is submitted that the matter is coming up before the Hon'ble Court on 10.02.2026.
2. File is taken up today on listing of the captioned I.A.
3. As per office note, reply to the captioned IA not filed by the defendant.
4. It is averred in the captioned IA that the defendants were required to file the written statement within four weeks in terms of the order dated 09.05.2025 as copy of the summons was not received by the defendants through e-mail. It is further averred that the defendants received summons and copy of the plaint on 09.05.2025. It is also averred that the written statement



could not be filed within prescribed period on account of voluminous documents and also for the reason that the matter pertains to the transactions undertaken several years ago. It is prayed that the delay in filing the written statement may be condoned.

5. Learned counsel for the plaintiff has vehemently opposed the captioned IA and submits that there is a delay of more than 120 days in filing the written statement as the defendants were served in the month of April, 2025 through Speed Post and they filed written statement for the first time on 31.08.2025, which is still lying under objection. He argued that the defendants are calculating the period for filing the written statement from the date of the order dated 09.05.2025. He further submits that captioned IA may be dismissed with cost.
6. Arguments heard. Record perused.
7. Perusal of the record shows that the defendants were served with summons of the suit through e-mail on 08.05.2025. Learned counsel for the defendants appeared on 09.05.2025 and submitted that the defendants have not received copy of the summons along with e-mail. On 09.05.2025, direction for supplying copy the complete set of paper was passed and the defendants were granted time to file written statement subject to receipt of the paper book. Further perusal of record shows that the defendants filed written statement for the first time on 31.08.2025 and thereafter re-filed the same on 11.09.2025, however, the same is still lying under objections.
8. From the aforesaid, it is evident that after receipt of



complete set of ~~1408~~ book on 09.05.2025, the defendants failed to file the written statement within the prescribed period of 30 days, however, the defendants filed the written statement within the extended period of 120 days. In my opinion, the plaintiff can be compensated in terms of the cost, if delay in filing written statement is condoned. Accordingly, delay in filing written statement by the defendants is condoned subject to cost of Rs.30,000/- to be paid by the defendants to the plaintiff.

9. Learned counsel for the defendants is requested to check it up with the Registry to remove all other objections and place the same on record within a week.

10. IA stands disposed of.

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 6, 2026/nk