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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 216/2025

TECHTREE IT SYSTEMS PVT. LTD Plaintiff

Through: Mr. Avneesh Garg & Iptisha,
Advs.

versus

MR. ALBERT FERNANDO & ORS. Defendant

Through: Mr. Aslam Ahmed, Ms.
Shabiesta Nabi, Mr. Rohit Jian,
Mr. Abhishek Dwivedi, Mr. Hari
Lal & Mr. Zeeshan Haider, Advs.

CORAM:

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

ORDER

21.07.2025

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**I.A.No.15875/2025 (under Order VIII Rule 1 r/w
Section 151 CPC filed on behalf of defendant nos.2 & 3
seeking condonation of delay in filing the written
statement)**

1. As per office note, reply to the captioned IA has not been filed on behalf of the plaintiff.
2. It is averred in the captioned IA that the defendant no.1 appeared on 10.03.2025 on advance notice and was granted time to file written statement. Pursuant to the hearing of 10.03.2025, counsel for defendant no.1 received instructions to draft the written statement for defendant no.1 as well as for defendant no.3. It is also averred that meeting of Board of Directors of defendant no.3 took place on 02.04.2025 and Board of Directors approved the defendant no.1 to represent in the matter. Similarly, the Board of Directors meeting of the defendant no.2 had taken place on 08.04.2025 and



Board of Directors approved the defendant no.1 to represent the defendant no.2 as well in the matter. On instructions, counsel had also entered appearance for defendant no.2 on 16.04.2025. Thereafter, counsel for defendants drafted the written statement, however, unfortunately she fell ill as she is suffering from Rheumatoid Arthritis. After her health started improve, she started preparing the written statement. It is averred that documents were voluminous and it consume time to go through the documents. It is also averred that the defendants are based in Dubai and for notarization of documents at least 7 days required for appointment of notary. It is submitted that due to the medical condition of counsel for defendants and also for the reason that the defendants are based in Dubai, which took time to take instructions from them, delay occurred and prayed for condoning the same.

3. Heard. Record perused.
4. Perusal of record shows that counsel for defendants appeared on advance notice on 10.03.2025 and the written statement in this case was filed for the first time on 04.07.2025 which was returned under objection as the same was filed beyond the stipulated period of 30 days. Learned counsel for the defendants has mentioned about her illness due to which she could not prepare and file the written statement within stipulated period. For the reason of illness of counsel for defendants as mentioned in the captioned IA, the application is allowed. Delay in filing written statement and affidavit of admission/denial is condoned subject to cost of



Rs.10,000/- to be paid by defendant nos.2 & 3 to learned counsel for plaintiff.

5. Defendant nos.2 & 3 are directed to take appropriate steps to remove the objections and have the same placed on record within a week.
6. IA stands disposed of.

CS(COMM) 216/2025; I.A. 6313/2025 (Application for condonation of delay in re-filing) & I.A.No.6314/2024 (Application for directions to Registry)

7. As per office note, vakalatnama with Board Resolution has been filed on behalf of defendant no.2.
8. Written statement and affidavit of admission/denial of document filed on behalf of defendant nos.2 & 3 have been returned under objection. Let appropriate steps be taken to have the same placed on record.
9. Plaintiff is directed to file replication and affidavit of admission/denial of documents within four weeks.
10. Learned counsels for the parties submit that the matter may be placed before the Hon'ble Court on the date already fixed and they will make appropriate submissions before the Hon'ble Court.
11. At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **31st July, 2025.**

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

JULY 21, 2025/nk