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

+ **RFA(COMM) 108/2026**

LONGLASST INC AND ORSAPPELLANTS

Through: Ms. Komal, Adv.

versus

GENEXT LOGISTICS PVT LTD.RESPONDENT

Through: None.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **29.07.2026**

RFA(COMM) 108/2026 & CM APPL. 48777/2026 (fresh by appellant for modification of order dt. 16.07.2026)

1. Drawing support from the Apex Court judgment in the matter of *Rafiq and Anr. Vs. Munshilal and Anr.*, (1981) 2 SCC 788, it is the contention of the counsel for the appellants that the lawyer who was engaged in the matter to defend the suit before the Learned Trial Court suffered a brain stroke (paralysis) and in such an eventuality, the written statement was not taken on record within the prescribed statutory time limit.
2. It is urged that the unforeseen circumstances viz., the ill health of the lawyer, could have been considered by the Court in the matter of granting permission to file the written statement as the conduct of the lawyer should not be considered to the detriment of the litigant particularly when there is absence of any *mala fides*.



3. In such an eventuality, let there be notice to the respondent returnable before this Court on date already fixed *i.e.*, 04th November, 2026.
4. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

AMIT SHARMA, J

JULY 29, 2026/sky/ok