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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 933/2018
M/S SATYA PARKASH & BROS. PVT. LTD.

..... Plaintiff

Through: Mr. Mayank Bansal, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION

..... Defendant

Through: Ms. Rajbala, Adv. (appeared
through VC)

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

ORDER
17.04.2025

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**I.A.No.6505/2022 (under Section 151 CPC r/w Order
VIII Rule 1 CPC filed by defendant for condonation of
delay of 59 days in filing the written statement) &**

**I.A.No.6506/2022 (under Section 151 CPC r/w Order
VIII Rule 1 CPC filed by defendant for condonation of
delay in re-filing the written statement)**

1. As per office note, citations/judgments has not been filed by the parties.
2. It is averred in the captioned IA that the summons of the suit was issued to the defendant on 31/05/2018 and learned counsel for the defendant accepted the summons on that date itself. It is further averred that the present case pertains to the transaction qua the old project, which was closed in 2015 which took time to

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locate the official record. It is averred that written statement was prepared after legal advice and it took time to obtain signatures from the authorised officer concerned. It is further averred that the written statement was filed on behalf of the defendant vide diary no.252010 dated 29.08.2019 but the same was returned under objection. It is averred that counsel for defendant thereafter removed the objections and re-filed the same vide diary no.391817 but the same was again returned under objection. It is averred that counsel for defendant physically filed an application seeking condonation of delay in filing the written statement on 10.04.2019 but the same could not be traced after the Pandemic. A copy of the said application has also been filed along with the captioned IAs. It is argued that written statement could not be filed within the extended period due to change of counsels as well. It is prayed in IA No.6505/2022 that delay of 58 days in filing the written statement may be condoned.

3. Defendant has also filed an application bearing IA No.6506/2022 seeking condonation of delay of 59 days in re-filing the application under Order 8 Rule 1 CPC bearing IA No.6505/2022.
4. Learned counsel for the plaintiff has vehemently opposed the captioned IAs and prayed for dismissal of the applications with costs. It is argued on behalf of the plaintiff that the defendant has not filed the written statement on vide diary no.252010 dated 29.08.2018 as

it is evident from the court record that vide aforementioned diary number, the defendant has filed



some document. It is argued that this plea is taken only to cover the limitation period for filing written statement. It is further argued that the defendant has filed written statement in the present case for the first time on 16/01/2019, which is even much beyond the period of extended period of 90 days. Learned counsel for the plaintiff submits that the captioned IAs may be dismissed.

5. Arguments heard. Record perused.
6. Perusal of record shows that learned counsel for the defendant had accepted summons of the suit on 31/05/2018. Learned counsel for defendant had made a submission on 29/10/2018 that he has filed written statement vide diary no.252010 dated 29.08.2019. Further perusal of record shows that vide aforesaid diary number, document was filed which was returned under objection. The defendant has also taken the plea that written statement was filed vide diary no.391817 which was returned under objection and finally the defendant filed the written statement on 16/01/2019. It is quite evident from the court record that the defendant has failed to file the written statement even within the extended period of limitation and there is an inordinate delay of more than 120 days in filing the written statement, which cannot be condoned.
7. In view of the aforesaid, both the applications filed on behalf of the defendant are dismissed.
8. Both the IAs stand disposed of.

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9. The matter is now listed for PE.



10. Plaintiff is directed to file evidence by way of affidavit of the witnesses within four weeks with advance copy to the opposite side. Let hard copy of the same be also filed.

11. Re-notify the matter for PE on **08th August, 2025**.

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 17, 2025/nk

Click here to check corrigendum, if any

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