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

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Judgment delivered on: 13.03.2020

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CM(M) 329/2020 & CM APPL. 9608-10/2020

SEEMA RANI

..... Petitioner

versus

SUNIL GARG

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. K.K. Sharma, Advocate

For the Respondent: None.

CORAM:

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 28.01.2020 whereby the application filed by the petitioner under Section 5 of the Limitation Act seeking condonation of delay in filing the written statement has been dismissed.

2. Subject Suit is a suit for recovery and admittedly is a commercial suit. Petitioner was served with the summons of the suit on 28.11.2018. The written statement was to be filed within 30 days and latest till the condonable period i.e. upto 29.03.2019. No written statement was filed within the stipulated period or even the extendable

period of 120 days. Written Statement was filed along with an application seeking condonation of delay in July, 2019 with a delay of nearly six months.

3. Trial Court has dismissed the application for condonation of delay by relying on the decision of the Supreme Court in *SCG Contracts India Pvt. Ltd. Vs. K. S. Chamankar Infrastructure Pvt. Ltd. and Ors. AIR 2019 SC 2691*, wherein the Supreme Court has held that court shall not allow the written statement to be taken on record after the period stipulated.

4. Since admittedly the written statement has not been filed within the statutory period of 30 days or the extendable period of total 120 days and has been filed with a delay, nearly six months, I find no infirmity in the view taken by the trial court in declining the written statement to be taken on record.

5. I find no merit in the petition. The petition is accordingly dismissed.

SANJEEV SACHDEVA, J

MARCH 13, 2020
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