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

+ **CM (M) 1413/2019**

ANSAL PROPERTIES & INFRASTRUCTURE LTD. Petitioner

Through: Mr. Devesh Gupta, Advocate.
(M:8750053945)

versus

AMRIT PAL SINGH

..... Respondent

Through: Mr. Rohit Bhagat, Advocate.
(M:9654671629)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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02.03.2020

CM APPL. 42864/2019 (delay in filing) & 42866/2019 (delay in refiling)

1. For the reasons stated in the applications, the delay in filing and refiling the petition is condoned.
2. Applications are disposed of.

CM APPL. 42865/2019 (exemption)

3. Allowed, subject to all just exceptions. Application is disposed of.

CM (M) 1413/2019

4. The present petition has been filed challenging the order dated 12th October, 2018 by which the defence of the Petitioner/Defendant No.1 (*hereinafter, "Defendant No.1"*) has been struck off and no further time has been granted to file the written statement.
5. This Court had, on the first date of hearing i.e., 13th November, 2019 directed Defendant No.1 to place the order sheets of the Trial Court on record. The same were, however, not filed. Today, an adjournment is sought

on the ground that the counsel for the Petitioner is not available. The order sheets of the Trial Court have been handed over to the Court today.

6. A perusal of the order sheets shows that from 15th December, 2017 opportunities have been given for filing the written statement. The same was first granted on 15th December, 2017. However, from December, 2017 till October, 2018, no written statement was filed. The impugned order was then passed by the Trial Court closing the right to file the written statement and the defence was also struck off.

7. This is a suit for recovery of Rs.26,31,800/- and is in the nature of a commercial suit. The Respondent's/Plaintiff's (*hereinafter, "Plaintiff"*) evidence has also been led in the matter and the matter is now listed for cross-examination on 11th March, 2020.

8. In view of the decision of the Supreme Court in *SCG Contracts India Pvt. Ltd. v. K.S. Chamankar Infrastructure Pvt. Ltd. and Ors., AIR 2019 SC 2691*, no further opportunity can be granted for filing the written statement as the period of 120 days has long passed. However, it is clarified that the Defendant would be entitled to participate in the proceedings, including conducting cross-examination of the Plaintiff's witnesses.

9. Under these circumstances, the present petition is dismissed. All pending applications are disposed of.

PRATHIBA M. SINGH, J.

MARCH 02, 2020

dk/T