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

Date of decision: 13.12.2023

+ CM(M) 1755/2023 & CM APPL. 55760/2023

SRIGANESH ESWARAN

..... Petitioner

Through: Mr. Aakash Sehrawat, Mr. Jatin Chhillar and Mr. Nikhil Godara, Advocates

versus

M/S SECRETS OF INDIA TOURS PVT. LTD

..... Respondent

Through: Mr. Imran Ali, Mr. Muzakkir Zama Khan, Mr. Manish Saxena and Ms. Dhriti Chabra, Advocates

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 01.09.2023 passed by District Judge (Commercial Court-03), South West, Dwarka Court, ('Trial Court') in CS (COMM) No. 77/2021 titled as **M/s Secret of India Tours Pvt. Ltd. v. Sriganesh Eswaran**, whereby the Trial Court dismissed the application dated 21.07.2023 filed by the Petitioner herein i.e., defendant for placing on record statement of truth along-with the written statement.

2. The learned counsel for the Respondent fairly states that in view of



the judgement of the Division Bench in *Prayag Polytech Pvt. Ltd. vs. Raj Kumar, 2023 SCC OnLine Del 6058*, he has no objection if the Petitioners application filed under Section 151 CPC on 21.07.2023 is allowed.

2.1 He, however, states that the Petitioner be put to strict terms as the non-filing of the Statement of Truth at the initial stage, which has delayed the suit proceedings.

3. With the consent of the parties, the following directions are being passed: -

- (i) The Petitioner will pay a sum of Rs. 15,000/- to the Respondent before the Trial Court on 14.12.2023.
- (ii) Subject to payment of the costs, the Petitioner's Statement of Truth filed with the application dated 21.07.2023 shall be taken on record.
- (iii) The Petitioner will remain personally present before the Trial Court on 14.12.2023 for signing the remaining pages of the written statement.
- (iv) The Respondent as well, will file his Statement of Truth in support of his replication on 14.12.2023.

4. Subject to the Petitioner duly complying with the conditions set out at (i) (ii) (iii). The learned Trial Court is requested to take the written statement and the Statement of Truth on record in supersession of its order dated 01.09.2023. However, if the Petitioner defaults in compliance of these conditions, the impugned order dated 01.09.2023 shall operate and bind the parties.

5. The Petitioner has undertaken before this Court that he will not seek any further adjournment before the Trial Court and shall remain duly represented before the Trial Court to ensure expeditious disposal of the suit.



The said statement is taken on record and he is bound down to the same.

6. The learned Trial Court is requested to not grant any unnecessary adjournments to the Petitioner and pass appropriate orders under Order 17 CPC.

7. With the aforesaid directions, the present petition stands disposed of.

8. Pending application if any stands disposed.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 13, 2023/rhc/sk

Click here to check corrigendum, if any