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

+ C.R.P. 135/2024 & CM APPL. 21894/2024

EAGEL MARITIME INC.

.....Petitioner

Through: Mr. Vinit Gupta, Advocate through
VC.

versus

KOHINOOR CARPET

.....Respondent

Through: Mr. Naveen K., Advocate through
VC.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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12.12.2024

1. The present Revision Petition under Section 115 of the Code of Civil Procedure, 1908 has been filed on behalf of the Petitioner/Plaintiff against the impugned Order dated 13.02.2024 *vide* which the delay in filing the Written Statement on behalf of the Respondent/Defendant has been condoned and the Written Statement has been taken on record.
2. The grievance of the Revisionist is that there is no proof of e-filing. In fact, Written Statement has been filed beyond 120 days and thus, the same could not have been taken on record.
3. **Learned counsel for the Respondent/Defendant** submits that the Written Statement was e-filed on behalf of the Respondent/Defendant on 14.04.2023 which was within a period of 120 days from the date of service i.e., 12.01.2023.
4. The learned District Judge has considered the screenshot of e-filing portal of Delhi District Courts to conclude that e-filing was done on



14.04.2023. Consequently, considering that the Written Statement has been filed within a period of 120 days in terms of Order VIII Rule 1 of the Code of Civil Procedure, 1908, the delay beyond 30 days has been condoned and the Written Statement has been taken on record, subject to costs of Rs. 5,000/- to be paid to the Petitioner/Plaintiff.

5. Submissions heard.

6. The only ground on which the impugned Order dated 13.02.2024 has been challenged is that there was no proof of e-filing of the Written Statement by the Respondent/Defendant and it was, in fact, placed on record after 129 days. This being Commercial Suit, the delay beyond 120 days could not have been condoned.

7. However, from the impugned Order, it is evident that e-Written Statement was filed on 14.04.2023 as has been confirmed by the e-Portal of Delhi District Courts. The Written Statement has been filed within the limit of 120 days.

8. Thus, learned District Judge has, for the cogent reasons, condoned the delay in filing the Written Statement, subject to costs of Rs. 5,000/- to be paid to the Petitioner/Plaintiff and taken the Written Statement of the Respondent/Defendant, on record.

9. In view of above, there is no infirmity in the impugned Order.

10. Accordingly, the Revision Petition is without any merit, which is hereby dismissed along with pending Application.

NEENA BANSAL KRISHNA, J

DECEMBER 12, 2024

S.Sharma