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

+ **C.R.P. 374/2023, CM APPL 64469/2023**

RAM SARAN VERMA Petitioner

Through: None.

versus

NEELAM MITTAL Respondent

Through: Ms. Harsha Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **26.02.2024**

1. None appeared on behalf of the petitioner when the matter was called.
2. The petitioner in the present civil revision petition is assailing the impugned order dated 29.11.2023, whereby, the learned District Judge, Commercial Court-02, District-South-East, Saket Courts, New Delhi, closed the right of the petitioner/defendant to file written statement, as evidently, it was filed beyond the period of 120 days without any application seeking for condonation of delay.
3. Learned counsel for the respondent submits that learned District Judge, Commercial Court-02 has since passed a final judgment and decree dated 03.02.2024 and it is urged that the present revision petition is not even maintainable under Section 8 of the Commercial Courts Act, 2015.
4. At this stage, Mr. Faiz Imam, learned counsel for the petitioner appeared and submitted that the present civil revision petition is



maintainable since the impugned order was not an “interlocutory order” but a substantive order, thereby impacting the legal rights of the parties.

5. Without going into the merits of such submissions, since now a final judgment-cum-decree had been passed, the petitioner shall be at liberty to file an appeal under Section 13 of the said Act and take all such defenses, as may be available to him under the law, so as to challenge the legality of the impugned judgment-cum-decree dated 03.02.2024.

6. The present civil revision petition is disposed of without prejudice.

DHARMESH SHARMA, J.

FEBRUARY 26, 2024

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