



2024:DHC:6477



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 27th August, 2024***+ **CM(M) 3228/2024 & CM APPL. 48752/2024****CAMEO OVERSEAS**

.....Petitioner

Through: Mr. Anil K. Khaware with Ms. Azma
Zaidi, Mr. Yogendra Kumar,
Advocates with petitioner in person.

versus

THE GLOBAL - V IMMIGRATION & ORS.

.....Respondents

Through:

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is plaintiff before the learned Trial Court.
2. According to him, defendant Nos.1, 3 and 4 were duly served but reckoned from the date of such service, they did not file their written statement within the initial stipulated period of 30 days.
3. It is contended that on 15.03.2024, when the learned Presiding Officer was on half-day leave, some written statement was reportedly filed by them and the Reader of the Court had rather made an observation directing the same to be taken on record.
4. It is contended that on 15.03.2024, the partner of the plaintiff firm was present in Court but he was never made aware of filing of any such written statement and, moreover, no copy thereof, was ever supplied. It was only on 30.07.2024 that they learnt about filing of the



written statement.

5. It is also contended that the written statement is not in consonance with the stipulated stringent provisions pertaining to a commercial suit as the written statement is not, even otherwise, signed on each page and there is no Statement of Truth in support of such written statement. It is also contended that the written statement was never e-filed either.

6. It is, therefore, submitted that the written statement is not valid in the eyes of law and could not have been permitted to be taken on record.

7. It seems that the petitioner never moved any application seeking recall of the above order or seeking a direction for taking off the written statement from the record.

8. After hearing arguments for some time, learned counsel for the petitioner states that he may be permitted to withdraw the present petition with liberty to move appropriate application before the learned Trial Court to take off such written statement from the record, in view of the abovesaid glaring omissions on the part of the defendants.

9. The present petition is, accordingly, disposed of as not pressed. Liberty, as prayed, is granted.

10. Copy of the order be given Dasti under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 27, 2024
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