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

+ **CM(M)-IPD 21/2024 & CM 102/2024, CM 103/2024**

RAHUL BHATIA

.....Petitioner

Through: Mr Ganshyam Thakur, Mr Rahul Dev
Sharma, Mr Aditya Verma and Ms
Sanjeeda, Advocates.

versus

YASH MATLANI

.....Respondent

Through: Mr Abhinav Bhatia, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

14.10.2024

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1. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 14th August, 2024 passed by the District Judge, Commercial Courts, Central District, Tis Hazari Courts, Delhi (Commercial Court) in CS (COMM) 520/2024.
2. By way of the impugned order, the right of the petitioner/defendant to file written statement has been closed and the defence of the petitioner was struck off.
3. Issue notice.
4. Notice is accepted by Mr Abhinav Bhatia, advocate, on behalf of the respondent/plaintiff.
5. With the consent of the parties, the present petition is being taken up for disposal.



6. Counsel for the petitioner submits that the written statement could not be filed in a timely manner as the petitioner was travelling outside India and hence could not communicate instructions to his counsel.
7. The petition is opposed by the counsel appearing on behalf of the respondent stating that the petitioner was outside India only for a period of about 10 days.
8. Undoubtedly, there has been a delay by the petitioner in filing the written statement. The written statement was filed on 14th August, 2024 which is beyond 90 days from the date of service of the summons. However, the written statement has been filed within the maximum condonable limit of 120 days.
9. Having heard the counsel for the parties, I am of the view that grave prejudice would be caused to the petitioner if he is unable to put forth his defence. Therefore, it would be in the interest of justice if the written statement filed by the petitioner is permitted to be taken on record, subject to payment of costs.
10. Accordingly, subject to the petitioner paying costs of Rs 25,000/- to the respondent, on or before 18th October, 2024, when the matter is listed before the Commercial Court, the written statement filed by the petitioner shall be taken on record.
11. The petition is disposed of in the aforesaid terms.
12. All pending applications shall also stand disposed of.

AMIT BANSAL, J

OCTOBER 14, 2024/rt