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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3706/2024 & CM APPL. 62859/2024**
M/S SATGUR ENGINEERING WORKS & ORS.

.....Petitioner

Through: Mr. K. Tandon, Mr. Rahul Chauhan
and Mr. Abhishek Singh, Advocates.

versus

M/S PSA POLYMERS PVT. LTD.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
24.10.2024

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CM APPL. 62860/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioner is defending a Commercial Suit.
2. On 5th September, 2024, learned Trial Court allowed the application filed by the defendant and condoned the delay in filing the written Statement while directing the defendant to deposit a cost of Rs.5,000/- with Bar Council of Delhi and also permitted the written statement, statement of truth and affidavit of admission/denial to be taken on record.
3. Thereafter, the matter was fixed for admission/denial of documents and framing of issues on 14th October, 2024.
4. On that day i.e. 14th October, 2024, there was no appearance from the side of the defendant neither in the forenoon session nor in the post-noon

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session, when the matter was taken up at 2:00 P.M., the written statement was directed to be taken off the record and the defence was struck off.

5. It seems that the same had been done for two reasons. Firstly, there was no appearance from the side of the defendant and secondly, there was nothing to indicate whether the cost had been deposited or not.

6. According to learned counsel for the petitioner, the counsel for the defendant had appeared same day at 2:19 P.M. through *video-conferencing* and he was merely apprised about the above said order.

7. Such order is under challenge.

8. Learned counsel for the petitioner submits that the cost of Rs.5,000/- was deposited with Bar Council of Delhi through online mode on 23rd September, 2024.

9. The present petition is disposed of with the liberty to petitioner to move appropriate application seeking recall of the above said order. Let such application be moved within one week from today and it is expected that learned Trial Court shall decide the same expeditiously, after giving due opportunity of hearing to both the sides.

MANOJ JAIN, J

OCTOBER 24, 2024/ss