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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 57/2025 & CM APPL. 1976/2025 STAY**
BAKSHISH SINGH & ANR.Petitioners

Through: Mr. Lokesh Chopra, Advocate.

versus

DE SCHERMERRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

31.01.2025

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1. This is a petition under Article 227 of the Constitution of India for setting aside the impugned orders dated 06.12.2024 and 07.01.2025 in Commercial Suit bearing CS (COMM) No. 1098/2024, titled as, “De Schermer vs. Bakshish Singh”.
2. Petitioners are the defendants in the suit for recovery filed by the respondent before the Commercial Court.
3. A perusal of the order dated 06.11.2024, passed by the learned trial Court reveals that the petitioner was served on 04.11.2024 and on the averment of the petitioners, that they have not received the copy of the complete set of plaint along with annexures, the trial Court issued directions to the respondent to provide the same.
4. Learned counsel for the petitioners fairly admits that the complete set of plaint and annexures were received through e-mail on 06.11.2024. He further admits that the written statement was not filed within the stipulated



period of 30 days and accordingly, the learned trial Court, vide order dated 06.12.2024, closed the right of the petitioner to file the written statement.

5. After part submissions, learned counsel, submits that under the Commercial Courts Act, 2015, petitioners can file the written statement within an extended period of 90 days, and therefore, he would like to file an appropriate application before the trial Court for seeking permission to file written statement along with an application for condonation of delay.

6. Subject to such liberty being granted, the learned counsel seeks permission to withdraw the petition.

7. The statement made by the learned counsel is taken on record and the petition is dismissed as withdrawn with liberty as prayed for.

RAVINDER DUDEJA, J

JANUARY 31, 2025/vp/nc