



2025:DHC:10156



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

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Date of Decision: 18.11.2025

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CM(M) 346/2023 & CM APPL. 10493/2023**GUPTA INFOTECH & ANR.**

.....Petitioners

Through: Ms. Sushila Narang, Advocate.

versus

OM LOGISTICS LTD.

.....Respondent

Through: Mr. Arun Aggarwal (*through videoconferencing*) and Mr. Satyam Kumar, Advocates.**CORAM: JUSTICE GIRISH KATHPALIA****ORDER (ORAL)**

1. Petitioners/defendants have assailed orders dated 17.11.2022 and 04.01.2023 passed by the learned commercial court. By way of order dated 17.11.2022, application of the petitioners/defendants under Order XI Rule 1(10) CPC was dismissed mainly on the basis of order dated 29.01.2020 of the learned trial court. By way of order dated 04.01.2023, the defence was struck off because affidavit of admission/denial was not filed by the petitioners/defendants.

2. The order dated 29.01.2020 appears to have been wrongly quoted in

CM(M) 346/2023

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the impugned order dated 17.11.2022 because by way of order dated 29.01.2020, it is the respondent/plaintiff who was directed to remove certain defects prior to issuance of summons of the suit.

3. At the outset, learned counsel for respondent/plaintiff submits that on account of ambiguity in the impugned order that inadvertently crept in, his suit is standstill, so the present petition may be allowed directing the trial court to expeditiously dispose of the suit.

4. Accordingly, with consent of both sides, both impugned orders are set aside, restoring the defence and directing the petitioners/defendants to file within two weeks statement of truth and admission/denial affidavits (*provided the documents in accordance with law are filed by the respondent/plaintiff within one week from today*). The learned trial court shall make all endeavours to finally decide the suit within six months from today.

5. The petition and the accompanying application stands disposed of.

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(JUDGE)

NOVEMBER 18, 2025/dr

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