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

+ **CM(M) 465/2025**

BLUE LEAF CORPORATE SOLUTIONS PVT LTD

.....Petitioner

Through: Mr. Mohit Siwach, Adv.

versus

RAJ KUMAR KAKKAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **07.03.2025**

CM APPL. 14045/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 465/2025 & CM APPL. 14044/2025 (Stay of Proceedings)

1. Petitioner impugns the order dated 25.02.2025, passed by the learned Additional District Judge, Saket Courts in CS/DJ No. 582/2022, titled "*Raj Kumar Kakkar Vs. M/s. Blue Leaf Corporate Solutions Pvt. Ltd.*", whereby, the learned trial court recalled the order dated 13.01.2025 and closed the petitioner's right for filing the written statement.
2. Respondent filed a suit against the petitioner for the recovery of arrears of rent along with other miscellaneous charges along with interest.
3. Petitioner entered its appearance, and upon his request, the trial court directed the respondent to supply copy of the plaint and documents within 15 days.



4. On 13.09.2023, the matter was referred to Mediation for exploring the possibility of settlement.
5. Since no settlement took place and no written statement was filed within the stipulated period, the right of the petitioner was closed vide order dated 14.12.2023. On 21.05.2024, petitioner was proceeded ex-parte and the matter was posted for ex-parte evidence.
6. On 07.10.2024, petitioner preferred an application under Order 9 Rule 7 CPC for setting aside the order dated 21.05.2024 and another application under Section 151 CPC for the recall of order dated 14.12.2023 whereby the petitioner's right to file the written statement was closed.
7. Both the above-mentioned applications were allowed subject to cost of Rs. 20,000/-. The relevant paras of the said order are extracted below:-

“.....Considering the facts of the present case and in light of settled position of law, this court considers it fit to **set the ex-parte aside and permit the defendant to joint the proceedings from now onwards subject, however to cost of Rs.5000/-, to be paid to be plaintiff before the next date of hearing.....** .

In view of above discussion, this court considers it fit allow the application for recalling of order dated 14.12.2023, however subject to cost of Rs.15,000/- out of which Rs.5,000/- to be paid to the plaintiff and Rs.10,000/- to be deposited with 'Saket Bar Association Welfare Fund', Account No.32895685000, State Bank of India, District Court's Complex, Saket, New Delhi-110017, IFC Code SBI-N0014244 before the next date of hearing.

Written statement be filed within a week with advance copy to the opposite side.”

8. Petitioner filed written statement on 01.02.2025 along with an application under Section 5 of the Limitation Act read with Order 8 Rule 1 CPC, seeking condonation of delay. However, the trial court while taking note of the fact that petitioner had not deposited the cost, subject to which the orders dated 14.12.2023 and 21.05.2024 were recalled, closed the right



of the petitioner to file the written statement and accordingly recalled the order dated 13.01.2025.

9. Learned counsel for the petitioner submits that the sole reason for passing the impugned order was that petitioner failed to deposit the cost imposed by the trial court, for which further time of one day was sought by the petitioner. It is submitted that petitioner shall suffer great prejudice as his valuable right of filing the written statement has been curtailed. Learned counsel prays that he may be given just one opportunity to deposit the cost.

10. The order dated 14.12.2023 permitted the petitioner to file the written statement and had set aside the ex-parte order subject to cost. Admittedly, written statement has since been filed but the order dated 13.01.2025 was recalled only on account of the reason that the cost was not deposited and paid. Considering the fact that petitioner is still ready and willing to make the payment of cost, in order to enable the petitioner to place-forth his defence in the case and in the interest of justice, petitioner is granted one more opportunity to make the payment of cost in terms of the order dated 14.12.2023, subject to additional cost of Rs. 10,000/-.

11. Subject to payment of the cost imposed vide order dated 14.12.2023 and additional cost imposed by this court, the order dated 25.02.2025 shall stand set aside and the written statement already filed by the petitioner shall be taken on record.

12. Petition is disposed of accordingly.

RAVINDER DUDEJA, J.

MARCH 7, 2025

RM/r