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

% ***Date of Decision: 17th March, 2025***

+ CM(M) 496/2025 & CM APPL. 15377/2025

POOJA DIE MOULDS

.....Petitioner

Through: Mr. Gaurav Chaudhry and Mr.
Rishab, Advocates.

versus

RAJDHANI METAL STORE

.....Respondent

Through: None.

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+ CM(M) 497/2025 & CM APPL. 15384/2025

VIJAY ENGINEERING WORKS

.....Petitioner

Through: Mr. Gaurav Chaudhry and Mr.
Rishab, Advocates.

versus

RAJDHANI METAL STORE

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The grievance raised in both the abovesaid petitions is very short and precise and since a common issue is involved, both the petitions have been taken up together and are being disposed of by this common order.
2. The petitioners herein are defending two *commercial suits* filed by the same plaintiff i.e. M/s. Rajdhani Metal Store.
3. Admittedly, the defendants were served on 07.09.2024. They also filed their written statements on 21.09.2024.



4. The defendant had though filed the written statements, statements of truth and list of documents, the *affidavit of admission/denial of documents* were not filed and since more than 120 days had already elapsed, reckoned from the date of service, the learned Trial Court was compelled to observe that in such a situation, the documents filed by the plaintiff would be deemed to be admitted by the defendants.
5. Such orders dated 04.02.2025 are under challenge.
6. Learned counsel for petitioner submits that there was never any attempt or endeavour from the side of the defendants to delay the matter. On the contrary, the written statements were also filed within two weeks from the date of service.
7. It is submitted that the affidavits of admission/denial of documents could not be submitted as the proprietor of the defendant firm was not well and had suffered fracture and secondly, the information was required to be taken from the concerned accountant of the firm, who was on leave during the relevant period.
8. A bare perusal of the impugned order would indicate that though the written statements, as well as statements of truth had been filed within the stipulated period, the *affidavits of admission/denial of documents*, which are also indispensable requirement of law, were not submitted within the outer permissible limit of 120 days.
9. The position is no longer *res-integra*.
10. By no stretch of imagination, it can be said that filing of *affidavit of admission/denial* is a mere procedural requirement which can be cured and corrected, on showing sufficient cause.
11. Reference may be made to *Unilin Beheer B.V. vs. Balaji Action*



Buildwell 2019 SCC OnLine Del 8498 and Mayank Gupta vs. Aditya Birla Fashion 2023 SCC OnLine Del 1485 whereby it has been observed that the timelines provided in *Commercial Court Act* are strict and mandatory and no leverage can be afforded to any party which defaulted thereof. In those case, since the affidavit of admission/denial was not submitted along with the written statement within permissible outer limit of the 120 days and such provision was held as mandatory in nature, no relief was bestowed upon the erring defendants.

12. The situation is, precisely, the same herein. The defendants were served on 07.09.2024 and though the written statements were filed on 21.09.2024, the affidavits of admission/denial have not been filed despite the expiry of permissible outer limit of 120 days.

13. In view of the above, this Court does not find any merit in the present petitions. There are accordingly dismissed in *limine*.

(MANOJ JAIN)
JUDGE

MARCH 17, 2025/ss/shs