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

% ***Date of Decision: 01st April, 2025***

+ CM(M) 593/2025, CM APPL. 18760/2025 & CM APPL. 18761/2025
ROHIT AGRAWALPetitioner

Through: Mr. Ekansh Mishra with Mr. Sanat
Garg, Advocates.

versus

M/S AMAZE SOLUTION & ORS.Respondent

Through: Mr. Braj Bhushan Lal Karn, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is defending a non-commercial regular suit. His right to file written statement has been closed for the reason that the written statement has not been filed within the stipulated period, reckoned from the date of service.
2. Learned counsel for defendant submits that though the defendant was duly served earlier, fact remains that the complete set of plaint was supplied to him on 26.12.2024. He submits that on 12.03.2025, noticing that written statement was not on record, his right to file written statement was closed. He submits that on that day itself, if permitted, he would have filed the written statement before the learned Trial Court.
3. Learned counsel for respondent/plaintiff appears on advance notice and submits that though there is no illegality in the impugned order, without prejudice to his rights and contentions and subject to imposition of reasonable cost, he would not oppose the present petition.
4. Learned counsel for the petitioner/defendant submits that he would file written statement within three days from today before the learned Trial Court and leaves it to the discretion of this Court to impose reasonable cost. He,



however, submits that on account of compelling personal reasons the written statement could not be filed and, therefore, the cost be not excessive.

5. Keeping in mind the overall facts and circumstances of the case and the concession given by the learned counsel for the respondent/plaintiff, the present petition is allowed subject to the following conditions:-

- I. The written statement shall be filed within three days from today before the learned Trial Court and advance copy thereof, shall also be transmitted to the plaintiff/learned counsel for plaintiff.
 - II. The defendant is also burdened with a cost of Rs. 25,000/- which shall be paid to the plaintiff on or before the next date of hearing which is stated to be 24.07.2025.
 - III. Plaintiff would be at liberty to file the replication, if any, with advance copy to opposite side.
 - IV. It is also clarified that no unnecessary adjournment would be sought by the defendant and he would render best cooperation and assistance to the learned Trial Court so that the abovesaid suit is decided, as expeditiously as possible.
6. The present petition, along with all the pending applications, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 1, 2025/sw/SS