



\$~56

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

% ***Date of Decision: 07th July, 2025***

+ **CM(M) 1157/2025 & CM APPL. 39089/2025**

UDAANSURE PRIVATE LIMITEDPetitioner

Through: Mr. Viren S. Chaudhary, Advocate

versus

MS SAPNA GOYALRespondent

Through: Mr. Gaurav Srivastava, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defendant before the learned Trial Court.
2. Limitation for the purposes of filing written statement by the petitioner/defendant expired on 28.04.2024 and since he filed written statement on 06.08.2024, the learned Trial Court declined to take the same on record for the reason that it was filed belatedly.
3. Resultantly, the defence of defendant has also been struck off.
4. Defendant/petitioner herein moved an application seeking review of the aforesaid order and his such application also did not find any favour and has been dismissed on 25.04.2025.
5. Such order is under challenge.
6. Learned counsel for petitioner/defendant submits that delay in filing the written statement occurred due to unavoidable circumstances.
7. According to him, the suit was initially filed against the petitioner-company and its two Directors also. When the present suit was



taken up by the learned Trial Court on 25.04.2025, the learned Trial Court deleted the names of such two Directors from the array of the parties holding that there was no personal liability of such Directors. It is submitted that the petitioner-company also learnt about the conduct of such Directors and they were got removed from the Directorship. It is submitted that since those Directors were earlier incharge for the day-to-day business activities of their company and were in control of all data, it took some time to collect the relevant information and in such a situation, delay should have been condoned.

8. He also submits that there was never any deliberate intention to delay the proceedings and assures that there would not be any such endeavour from their side, even on any future date(s).

9. Learned counsel for respondent/plaintiff joins the proceedings through *videoconferencing*.

10. During course of the arguments, learned counsel for respondent/plaintiff submitted that there was no illegality or perversity in the impugned order which had been passed, keeping in mind the negligent conduct of the defendant-company. He has, in all fairness, submitted that, without prejudice to their rights and contentions, he would have no objection if one last opportunity in this regard is granted, *albeit*, subject to imposition of heavy cost.

11. Keeping in mind the overall facts and circumstances of the case, the present petition is disposed with direction to learned Trial Court to take such written statement on record. However, for causing delay in the matter, petitioner herein is burdened with cost of Rs. 25,000/-.

12. Let such cost be cleared within ten days from today.



13. It is also made clear that defendant shall not take any unnecessary adjournment in future and would render best assistance and co-operation to the learned Trial Court so that the suit is disposed of, without any delay.
14. Petition stands disposed of in aforesaid terms.
15. Pending applications also stand disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 7, 2025/dr/shs