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

+ C.O. (COMM.IPD-TM) 167/2021

MONTECARLO LTD

.....Petitioner

Through: Mr. Gyanendra Kumar, Senior Advocate with Mr. Abhijit Mittal, Ms. Sugandh Virmani, Ms. Nishtha Nanda, Mr. Anukalp Jain and Ms. Shaivya Singh, Advocates.

versus

MONTE CARLO FASHIONS LIMITED AND ANRRespondents

Through: Mr. Murari Tiwari, Mr. Rahul Kumar, Ms. Nimisha Gupta, Ms. Indira Murthy and Ms. Eliza Gupta, Advocates.

(45)

+ C.O. (COMM.IPD-TM) 211/2021, I.A. 7035/2026 & I.A. 7036/2026

MONTECARLO LTD.

.....Petitioner

Through: Mr. Gyanendra Kumar, Senior Advocate with Mr. Abhijit Mittal, Ms. Sugandh Virmani, Ms. Nishtha Nanda, Mr. Anukalp Jain and Ms. Shaivya Singh, Advocates.

versus

MONTE CARLO FASHIONS LIMITED

.....Respondent

Through: Mr. Murari Tiwari, Mr. Rahul Kumar, Ms. Nimisha Gupta, Ms. Indira Murthy and Ms. Eliza Gupta, Advocates.

(46)

+ C.O. (COMM.IPD-TM) 229/2021, I.A. 7086/2026 & I.A. 7087/2026

MONTECARLO LTD.

.....Petitioner

Through: Mr. Gyanendra Kumar, Senior Advocate with Mr. Abhijit Mittal, Ms. Sugandh Virmani, Ms. Nishtha Nanda, Mr. Anukalp Jain and Ms. Shaivya Singh, Advocates.

versus

MONTE CARLO FASHIONS LTD.

.....Respondent

Through: Mr. Murari Tiwari, Mr. Rahul Kumar,



Ms. Nimisha Gupta, Ms. Indira Murthy
and Ms. Eliza Gupta, Advocates.

(47)

+ C.O. (COMM.IPD-TM) 280/2021, I.A. 7038/2026 & I.A. 7039/2026

MONTECARLO LTD

.....Petitioner

Through: Mr. Gyanendra Kumar, Senior
Advocate with Mr. Abhijit Mittal, Ms.
Sugandh Virmani, Ms. Nishtha Nanda,
Mr. Anukalp Jain and Ms. Shaivya
Singh, Advocates.

versus

MONTE CARLO FASHIONS LIMITED AND ANRRespondents

Through: Mr. Murari Tiwari, Mr. Rahul Kumar,
Ms. Nimisha Gupta, Ms. Indira Murthy
and Ms. Eliza Gupta, Advocates.

(48)

+ C.O. (COMM.IPD-TM) 281/2021, I.A. 7040/2026 & I.A. 7041/2026

MONTECARLO LTD

.....Petitioner

Through: Mr. Gyanendra Kumar, Senior
Advocate with Mr. Abhijit Mittal, Ms.
Sugandh Virmani, Ms. Nishtha Nanda,
Mr. Anukalp Jain and Ms. Shaivya
Singh, Advocates.

versus

MONTE CARLO FASHIONS LIMITED AND ANRRespondents

Through: Mr. Murari Tiwari, Mr. Rahul Kumar,
Ms. Nimisha Gupta, Ms. Indira Murthy
and Ms. Eliza Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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18.03.2026

I.A. 7043/2026 (Under Section 5 of the Limitation Act, 1963)

1. This is an application under Section 5 of the Limitation Act, 1963 filed on behalf of the petitioner seeking condonation of delay of 62 days in filing the restoration application.
2. Mr. Gyanendra Kumar, learned senior counsel appearing on behalf of



the petitioner submits that actually the delay is of only 32 days, however, on account of an erroneous calculation, delay of 62 days has been mentioned.

3. Be that as it may, issue notice.

4. Notice is accepted by Mr. Murari Tiwari, learned counsel appearing on behalf of the respondent.

5. For the reasons stated in the application, the application is allowed. The delay in filing the application seeking restoration of the petitions dismissed for non-prosecution is allowed. The delay is hereby condoned.

6. Application stands disposed of.

I.A. 7042/2026 (seeking restoration)

7. This is an application under Section 151 of the Code of Civil Procedure, 1908, seeking restoration of the petitions which were dismissed on 10.12.2025.

8. This Court has heard the learned counsel appearing on behalf of both the parties.

9. The learned senior counsel appearing on behalf of petitioner submits that in respect of certain other *inter se* disputes between the parties, the settlement proceedings are carrying on under the directions of the High Court of Punjab and Haryana and the counsel who was handling these matters has left practice since he has joined as an in-house counsel in some institution. He submits that the requisite information regarding the pendency and the next date of hearing of these petitions was, in all probability, by oversight not informed. He submits that this is the only reason why the petitioner did not appear on 10.12.2025 and also on the previous occasion which had arisen because of the aforesaid reasons.

10. Mr. Tiwari, learned counsel appearing on behalf of the respondent, on the other hand refutes the submissions made by Mr. Kumar, learned senior counsel for the petitioner. He states that this is not the only occasion when the petitioner did not appear and there were previous occasions too when the



petitioner had not appeared, which would indicate that the petitioner is not interested in diligently pursuing the present petitions and is only delaying the matter. He also states that so far as the reasons given regarding settlement talks in regard to some other *inter se* disputes are concerned, he has no knowledge and therefore, he cannot ascertain the facts as it is. In any case, he opposes the said application.

11. Having heard the parties, this Court observes that the petitions were filed in the year 2021 and were being pursued by the petitioners but for the last two dates of hearing. Moreover, it is in the interests of justice that matters ought to be disposed of on merits rather than on technicalities.

12. So far as the respondent is concerned, no prejudice will be caused in case the application is allowed and the petitions, which were dismissed for non-prosecution, are restored to their original number on account of the fact that reasonable costs can be imposed by the Court upon the petitioners.

13. In view of the above, the application is allowed.

14. The petitions are restored to their original numbers, subject to the petitioners paying to the respondents a sum of Rs. 20,000/- per case within four weeks from date.

15. Application stands disposed of.

16. Rejoinder, if any, be filed within six weeks from date with an advance copy to the learned counsel for the respondent.

17. List on 21.09.2026 for consideration.

TUSHAR RAO GEDELA, J

MARCH 18, 2026/anj