



\$~88

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1896/2025, CM APPL. 60535/2025 & CM APPL. 60534/2025**

SGTB ELECTRO PVT LTD

.....Petitioner

Through: Mr. Utkarsh Bhargava, Advocate.

versus

WATER STREET CORPORATE SERVICES LLPRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

23.09.2025

%

1. Petitioner/defendant has assailed order dated 30.08.2025 of the learned Commercial Court whereby, it was held that since within time prescribed by law after service of summons to enter appearance under Order XXXVII CPC, the defendant did not enter appearance, the plaintiff was entitled to judgment.

2. It appears that in the suit filed by the present respondent under Order XXXVII CPC, summons to enter appearance were issued vide order dated 04.11.2024, returnable on 14.01.2025. The order dated 14.01.2025 has not been filed by the petitioner. Thereafter, the matter was taken up by the trial court on 13.02.2025 but on that day due to inadvertence, the trial court adjourned the matter to 24.04.2025, granting liberty to the petitioner/defendant to file Written Statement, without there being any order converting the summary suit to ordinary suit. Order dated 24.04.2025 also



has not been filed by the petitioner. It is thereafter that the matter was taken up on 31.07.2025 and the impugned order was passed.

3. It is trite that on account of mistake of the court, neither side shall suffer. As explained by the learned trial court in order dated 31.07.2025 itself, it was sheer inadvertence, due to which on 13.02.2025 the trial court granted opportunity to file Written Statement. On account of that inadvertence, neither side should suffer.

4. After addressing partly, learned counsel for petitioner seeks permission to withdraw this petition with liberty to file fresh application before the trial court seeking condonation of delay in entering appearance under Order XXXVII CPC along with the requisite appearance.

5. Accordingly, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

SEPTEMBER 23, 2025/dr