



2025:DHC:280



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

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Date of Decision: 20.01.2025+ **RFA 45/2025, CM APPL. 3190/2025, 3189/2025 & 3188/2025**

VIKRANT VATS

.....Appellant

Through: Mr. Rajat Arora and Mr. Sourabh Mahla, Advocates

versus

AJAY GAHLOT

.....Respondent

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The appellant has assailed judgment and decree dated 27.11.2024, passed by the learned Additional District Judge, South West, Dwarka, Delhi under Order XXXVII CPC on account of failure on the part of the appellant to file application for leave to defend within stipulated period. Learned counsel for appellant has taken me through the relevant record already filed with the appeal. Having heard learned counsel for appellant, I find no ground to issue notice of this appeal.

2. Briefly stated, the circumstances leading to this appeal are that the present respondent filed a suit under Order XXXVII CPC against the appellant for recovery of Rs. 87,00,000/- on the basis of two cheques which

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had got dishonoured on being presented. The summons for judgment were served on the appellant on 06.07.2024 and application for leave to defend was filed on 18.11.2024. The application for leave to defend having not been filed within prescribed period, the application was dismissed and the suit was decreed. Hence the present appeal.

3. Learned counsel for appellant has tried to address submissions on merits of the case. But admittedly, there is no explanation for the appellant having not filed an application for leave to defend within the prescribed period. It is nobody's case that the appellant was not aware about the nature of the proceedings, insofar as admittedly the appellant entered appearance under Order XXXVII CPC in time. It is also nobody's case that summons for judgment were not served on the appellant on the address given by him while entering appearance.

4. Annexure A-7 is an application seeking condonation of delay in filing the application for leave to defend. But in that application also, there is not even a whisper explaining the reason for delay in filing the application for leave to defend. The only averment in the said application is that in some other case, the predecessor the trial court had dismissed the said other suit holding that since the plaintiff of that suit had remedy under Negotiable Instruments Act, the suit was not maintainable. No other submission was made in the said application by the appellant except the vague plea that the delay in filing the application for leave to defend was not intentional.

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5. Even during submissions advanced today, no reason has been explained for failure to file the application for leave to defend within prescribed period.

6. I am unable to find any infirmity in the impugned judgment and decree, so the same are upheld and the appeal as well as the accompanying applications are dismissed.

**GIRISH
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GIRISH KATHPALIA, J

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Click here to check corrigendum, if any