



2026:DHC:1747



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 26th February, 2026***+ **CM(M) 1963/2025 & CM APPL. 63532/2025****RANBIR KUMAR SINGHLA**

.....Petitioner

Through: **Mr. Ashutosh Bhardwaj and Ms. Shashi Prakash Dwivedi, Advocates.**

versus

ESPAL AND COMPANY

.....Respondent

Through: **Mr. M. Tarique Siddiqui, Mr. Abhishek K. Tanwar and Mohd. Faisal Khan, Advocates.****CORAM:****HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioner/defendant under Article 227 of the Constitution of India, 1950, assailing the order dated 04th September, 2025, passed by the trial court in CS(COMM) No. 71/2025, whereby the application filed by the petitioner/defendant under Order VIII Rule 1 read with Section 148 of the Code of Civil Procedure, 1908 ('CPC'), has been dismissed.
3. Heard. Record perused.
4. Learned Counsel for the petitioner has argued that the summons were served upon the petitioner/defendant on 26th March, 2025. The Trial Court, *vide* order dated 01st May, 2025, closed the right of the petitioner to file the written statement on the ground that the same was not filed within the



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statutory period of 30 days from the date of service of summons. Thereafter, the petitioner moved an application for setting aside the order dated 01st May, 2025 along with application for condonation of delay in filing the written statement on 13th May, 2025. The written statement was also filed along with those applications.

5. *Vide* orders dated 29th July, 2025 and 04th September, 2025, the trial court dismissed the application seeking setting aside of the order dated 01st May, 2025 and the application filed under Order VIII Rule 1 of CPC, respectively.

6. Learned Counsel for the petitioner submitted that there is a delay of about 17 days in filing the written statement, which occurred on account of the petitioner being a senior citizen and suffering from various medical ailments.

7. *Per contra*, learned counsel for the respondent submits that the trial court has passed the impugned order after duly considering the material on record and no sufficient reasons have been shown by the petitioner for not filing the written statement within the statutory period of 30 days.

8. It is an admitted fact that the petitioner was served with summons on 26th March, 2025 and that the written statement was filed on 13th May, 2025. Thus, there is a delay of about 17 days in filing the written statement after the statutory period of 30 days as prescribed under the Commercial Court Act, 2015.

9. Keeping in view the facts and circumstances of the case, this court is of the opinion that, it is in the interest of justice, if the delay in filing the written statement is condoned as the respondent/ plaintiff can be compensated with costs. Accordingly, the written statement is taken on record, subject to



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payment of costs of ₹25,000/- to the respondent.

10. The petition is disposed of on the above-stated terms. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 26, 2026/v/tp

Signature Not Verified

Signed By: VAIISHALI
CHAUHAN
Signing Date: 27.02.2026
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