



2025:DHC:7805



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

% ***Date of Decision: 03rd September, 2025***

+ **CM(M) 1711/2025 & CM APPL. 55672-55673/2025**

M/S INTERNATIONAL PRINT O PAC LTD.Petitioner

Through: **Mr. Ishaan Karki, Mr. Shihv Mehrotra
and Mr. Aman Naqvi, Advocates**

versus

REKHA GOYALRespondent

Through: **Mr. Vikas Garg, Advocate (Through
VC)**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which is commercial in nature.
2. According to petitioner, they were under Corporate Insolvency Resolution Proceedings (CIRP) between 11.06.2024 and 07.11.2024 and, therefore, they could not file written statement.
3. Fact, however, remains that despite grant of several opportunities in this regard by the learned Trial Court, defendant did not bother to place on record any document to substantiate its plea of it being under moratorium as per Insolvency and Bankruptcy Code, 2016 which, eventually, also resulted in dismissal of their application moved under Order VIII Rule 1 CPC.
4. Along with the present petition, defendant has, however, placed on record copies of the relevant proceedings conducted by National Company Law Tribunal, New Delhi Bench, Court-III on 11.06.2024 and also order dated 07.11.2024 passed by National Company Law Appellate Tribunal,



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Principal Bench, New Delhi.

5. Ideally, these proceedings should have been placed before the learned Trial Court for its perusal and for reaching just and proper decision. Learned counsel for the petitioner acknowledges omission on his part.

6. Pursuant to the request made to learned counsel for the petitioner, he contacted his counterpart and when the matter was taken up at 1.00 PM, learned counsel for respondent also joined the proceedings through *videoconferencing*.

7. A proposal was put to both the sides whether in view of the above, a request can be made to learned Trial Court to consider the aforesaid application moved under Order VIII Rule 1 CPC afresh and, to which, both the sides give their no objection.

8. Learned counsel for respondent/plaintiff, however, submits that his concession may not be misconstrued otherwise. He also supplements that even if the learned Trial Court is requested to consider the above application afresh, the decision would be no different.

9. Fact, however, remains that both the sides have no reservation if based on the aforesaid proceedings dated 11.06.2024 and 07.11.2024, learned Trial Court considers the application afresh.

10. Next date before the learned Trial Court is stated to be 08.09.2025 and present petition is disposed with direction that copies of aforesaid proceedings dated 11.06.2024 and 07.11.2024 be placed before the learned Trial Court within three working days from today and learned Trial Court shall consider the application moved under Order VIII Rule 1 CPC afresh.

11. All the rights and contentions of the parties are, however, left open.

12. It is also clarified that this Court has not made any observation with



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respect to the issue involved and it will be entirely upto the learned Trial Court to decide the aforesaid application, without being influenced by any observation made in the present order.

13. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 3, 2025/dr/js