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

% *Date of Decision: 05th May, 2025*

+ CM(M) 830/2025 & CM APPL. 27009/2025
NARESH SHAKYA

.....Petitioner

Through: Mr. Rohit Panwar and Mr. Hiran
Anand, Advocates.

versus

RAVINDER SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is defending a recovery suit.
2. He was duly served and, when he appeared before the learned Trial Court on 25.11.2024, he was given time to file written statement. However, learned counsel for the defendant submitted before the learned trial Court that the plaintiff be directed to supply a legible copy of the plaint. Learned counsel for the plaintiff, accordingly, undertook to supply such legible copy of the plaint, during the course of the day.
3. Fact, however, remains that same day, the matter was, even, referred for mediation in order to find out possibility of any amicable settlement between the parties.
4. Unfortunately, the matter could not get settled and when the matter was taken up by the learned Trial Court on 04.02.2025, noticing that the written statement had not been filed, the right to file written statement has been



closed.

5. Such order is under challenge.

6. None appears on behalf of the plaintiff, despite service of advance notice.

7. This Court has gone through order dated 25.11.2024 as well as 04.02.2025.

8. Mr. Rohit Panwar, learned counsel for petitioner, is also defending them before the learned Trial Court and he states at the Bar that no legible copy of the plaint and documents was supplied to him either on 25.11.2024 or any date subsequent thereto.

9. He submits that on 04.02.2025 the plaintiff had himself appeared in person before the learned Trial Court and without taking any response from him with respect to the fact whether the legible set had been supplied or not, the learned Trial Court has, merely relying on its previous order and assuming that legible set had already been supplied, closed their right to file written statement.

10. He submits that the defendant could have submitted the written statement only when he had been, actually speaking, supplied with the legible set of the plaint. Learned counsel for defendant also submits that defendant had received summons on 23.11.2024 and there was never any intention on his part to delay the proceedings as he even appeared before the learned Trial Court on 25.11.2024 i.e. within two days of his being served with the summons.

11. He submits that since no such legible set had been supplied either through speed post or through e-mail after abovesaid order dated 25.11.2024 and since the learned Trial Court, itself, had directed the learned counsel for



the plaintiff to supply the same, without cross-checking the abovesaid aspect, his right to file written statement should not have been closed. He relies upon *Rajesh Kathpal v. Shubh Steel: 2022 SCC OnLine Del 3403*.

12. Keeping in mind the overall facts of the case, and noticing the fact that nobody appears on behalf of the plaintiff despite there being service of advance notice, the present petition is disposed of with request to learned Trial Court to consider the abovesaid aspect afresh and to assess and evaluate whether the legible copy of plaint was duly supplied or not.

13. In view of the above, the impugned order dated 04.02.2025, to the above extent, is set aside.

14. However, in case, the learned Trial Court is informed by the plaintiff/his counsel that a legible set was, in fact, supplied to the defendant/his counsel on or after 25.11.2024, learned Trial Court while recording its due satisfaction in this regard, would be at liberty to proceed further with the matter in accordance with order dated 04.02.2025, without giving any further indulgence to the defendant.

15. The petition is disposed of in aforesaid terms.

16. Pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

MAY 5, 2025/ss/pb