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

% ***Date of Decision: 07<sup>th</sup> July, 2025***

+ CM(M) 1146/2025 & CM APPL. 38783-38784/2025

M/S ARJAN DASS AND SONS PRIVATE LIMITED .....Petitioner

Through: Ms. Satakshi Sood & Ms. Naimishi  
Verma, Advocates

versus

TINNA RUBBER AND INFRA LIMITED .....Respondent

Through: Ms. Rachna Maheshwari, 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 for recovery.
2. Initially, written statement was filed by the defendant.
3. During the pendency of the matter, an application was moved by defendant under Order VI Rule 17 CPC seeking amendment in the written statement. The aforesaid application was taken up by the learned Trial Court on 25.10.2024 and since the plaintiff had given its no objection to the aforesaid application, the application was allowed and defendant (petitioner herein) was directed to file amended written statement within a short period of one week and the matter was accordingly adjourned.
4. Fact remains that defendant did not file the amended written statement within the aforesaid given time and when they submitted the amended written statement later on, it was not taken on record while observing that it was not filed within the prescribed time period. Reference in this regard be made to order dated 20.01.2025, whereby, simultaneously, defence of the defendant



was also struck off.

5. Defendant, however, moved application under Section 151 CPC seeking recall of said order dated 20.01.2025 and also moved a formal application seeking condonation of delay in submitting amended written statement and such application has also been dismissed by the learned Trial Court on 09.04.2025.

6. The present petition accordingly challenges the aforesaid order dated 09.04.2025.

7. The case is reportedly fixed for plaintiff's evidence on 10.07.2025.

8. Learned counsel for petitioner/defendant submits that there was never any deliberate intention to delay the proceedings and she also assures that there would not be any such endeavour from their side, even on any future date(s).

9. On the basis of request made by this Court, learned counsel for petitioner contacted learned counsel for respondent/plaintiff telephonically. Pursuant thereto, learned counsel for respondent/plaintiff has also joined the proceedings through *videoconferencing*.

10. During course of the arguments, she submitted that there is no illegality or perversity in the impugned order which has been passed keeping in mind the negligent conduct of the defendant. She submits that reasons assigned by the defendant towards belated filing are made up reasons and even if there were any intervening festivals, they could have still placed on record amended written statement within the time.

11. Delay in submitting the amended written statement is stated to be of 76 days.

12. During course of further arguments, in all fairness, she submitted that



without prejudice to her rights and contentions, she would have no objection if one last opportunity in this regard is granted, *albeit*, subject to imposition of heavy cost.

13. Keeping in mind the overall facts and circumstances of the case and the fact that matter in hand deals with belated filing of amended written statement only, the present petition is disposed with direction to learned Trial Court to take such amended written statement on record. However, for belated filing of amended written statement, petitioner herein is burdened with cost of Rs. 30,000/-.

14. Let such cost be cleared on the date fixed i.e. 10.07.2025.

15. It is also made clear that defendant shall not take any unnecessary adjournment in future and would render best assistance and co-operation to the learned Trial Court so that the trial is expedited and suit is disposed of without any further delay.

16. Petition stands disposed of in aforesaid terms.

17. Pending applications also stand disposed of in the aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 7, 2025/dr/shs**