



2025:DHC:6663



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

% *Date of Decision: 07th August, 2025*

+ CM(M) 654/2025 & CM APPL. 20668-20669/2025
VIDUSHI TYAGI

.....Petitioner

Through: Mr. Mohd Amanullah with Ms. Kirti
Shivhare and Mr. Azhar, Advocates.

versus

MS CELESTIAL KNITS AND FAB PVT LT & ORS.

.....Respondent

Through: Mr. Jawahr Goyal and Mr. O.N.
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Learned counsel for respondent appears pursuant to notice.
2. The suit in question has been filed by the respondent.
3. Admittedly, the summons of the suit were issued on 12.12.2024 and the defendant (petitioner herein) was served on 23.12.2024.
4. There was appearance from their side before the learned District Judge (Commercial Court) on 10.01.2025, when the learned Trial had directed them to file written statement within 30 days.
5. When the matter was taken up by the learned Trial Court on 27.02.2025, noticing that written statement had not been filed and that there was no request seeking extension of time either, the right to file written statement has been forfeited.
6. Such order dated 27.02.2025 is under challenge.



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7. Interestingly, the defendant thereafter, filed written statement before the learned Trial Court on 20.03.2025 and also sought recalling of said order dated 27.02.2025. The abovesaid application was though taken up by the learned Trial Court on 24.03.2025 but it seems that such application has yet not been decided by the learned Trial Court.

8. The subsequent order-sheets brought by the learned counsel for respondent indicate that the evidence is being recorded and at one point of time, the parties were even referred for Mediation.

9. Be that as it may, learned counsel for respondent acknowledges the fact that the defendants were served on 23.12.2024 and the written statement, *albeit*, belatedly was submitted by them before the learned Trial Court on 20.03.2025 which was otherwise well within the outer permissible limit of 120 days. He submits that, without prejudice to his rights and contentions, he would have no objection if such written statement is directed to be taken on record, *albeit*, subject to imposition of heavy cost.

10. There is no denying the fact that the initial period of filing of written statement is 30 days and in case, the defendant is unable to file written statement within such initial period of 30 days, it is for him to approach the learned Trial Court and to apprise the reason which prevented him from filing written statement. The Court can definitely extend the period to enable defendant to file written statement, on sufficient cause being shown and on certain conditions. Obviously, the outer permissible limit would be 120 days, reckoned from the date of service.

11. Keeping in mind the overall facts of the case and gracious concession given by the learned counsel for respondent, the present petition is disposed of with the direction that the written statement submitted by the petitioner on



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20.03.2025, the hard copy of which was also taken on record on 24.03.2025 shall be deemed to be on record.

12. However, for causing delay in submitting such written statement, the petitioner is burdened with cost of Rs.50,000/-.

13. Let such cost be paid to plaintiff before the learned Trial Court on the date fixed which is stated to be 11.08.2025.

14. In view of the above, the plaintiff would also be at liberty to file replication, if any, and the learned Trial Court is requested to proceed further with the matter in accordance with law.

15. Petition stands disposed of accordingly.

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

(MANOJ JAIN)
JUDGE

AUGUST 7, 2025/ss/shs