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

% ***Date of Decision: 12th August, 2025***

+ CM(M) 2111/2024, CM APPL. 15918/2024, CM APPL. 2594/2025,
CM APPL. 2595/2025 & CM APPL. 3605/2025

SH. AMIT MITTAL

.....Petitioner

Through: Mr. Tushar Rohmetra and Mr.
Anubhav Sharma, Advocates

versus

KRISHIV POLY PRODUCTS LLP

.....Respondents

Through: Mr. Avneesh Arputham and Mr. Ankit
Sharma, Advocates

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. The aforesaid suit was taken by the learned Trial Court on 31.08.2023. It heard arguments on the application moved by the defendant under Order VII Rule 11 CPC whereby he was seeking rejection of the plaint on the ground of limitation.
3. However, while hearing further arguments, learned counsel for defendant himself, very fairly, conceded before the learned Trial Court that suit was within limitation and, therefore, his said application moved under Order VII Rule 11 CPC was dismissed.
4. Thereafter, petitioner i.e. defendant moved an application under Section 151 CPC praying therein that such order dated 31.08.2023 may be recalled and learned Trial Court dismissed the aforesaid application also.
5. Such order is under challenge.



2025:DHC:6842



6. Admittedly, in the present case, the defendant did not file any written statement and, therefore, his written statement is not on record. Moreover, his defence has also been struck off already.
7. Such orders are not under challenge and, thus, attained finality.
8. The case is already at the stage of final arguments and since the defence of the defendant is already lying struck off, irrespective of the aforesaid observations appearing in order dated 31.08.2023 and 29.02.2024, while considering the final arguments, the defendant would be at liberty to address arguments on the issue of limitation and this Court expects that the aforesaid issue is duly answered, after considering the contentions of both the sides in accordance with law, without being influenced by the aforesaid previous orders.
9. The present petition stands disposed of in aforesaid terms.
10. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 12, 2025/dr/shs