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

% ***Date of Decision: 25th March, 2025***

+ CM(M) 2634/2024 & CM APPL. 30698-30700/2024 & CM APPL. 35234/2024

M/S SHELLZ INDIA PVT. LTD.Petitioner

Through: Mr. Namit Suri with Ms. Surabhi
Sinha and Ms. Purnima Singh,
Advocates.

versus

M/S HBD PACKAGING PVT LTDRespondent

Through: Mr. Mayank Gupta with Mr. Siddhant
Rai Sethi, Ms. Srishti Jain and
Mr. Hira Lal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Respondent instituted a *commercial suit* before learned District Judge (Commercial Court), Rohini, Delhi.
2. Admittedly, the defendant, in the abovesaid commercial suit, had been served on 20.11.2023 and 22.11.2023.
3. The written statement was filed by defendant on 19.03.2024, which is stated to be within the outer permissible limit of 120 days. Learned counsel for respondent/plaintiff does not dispute the same.
4. As per record, defendant had appeared before learned Commercial Court on 27.02.2024 and learned Commercial Court had



granted defendant some indulgence by observing that since 120 days period was yet to elapse, the defendant would be at liberty to move appropriate application, seeking condonation of delay in filing of written statement. Fact, though, remains that defence of the defendant had been struck off on 27.02.2024 itself as defendant had not filed written statement within the initial prescribed period of thirty days.

5. Learned counsel for respondent/plaintiff submits that he does not want any further delay in the matter and since filing of written statement is within the prescribed outer limit of 120 days reckoned from the last service, he would not oppose the present petition, provided exemplary cost is imposed upon defendant and there is also a direction to learned Commercial Court not to grant any unnecessary adjournment to defendant, during trial of the case.

6. Learned counsel for the petitioner assures that defendant would always provide requisite assistance and cooperation to learned Commercial Court and would not seek any unnecessary adjournment from learned Commercial Court.

7. Keeping in mind the overall facts and circumstances of the case and the gracious concession given by learned counsel for the respondent, the present petition is disposed of with direction that the written statement filed by defendant on 19.03.2024 shall be deemed to be on record. Since written statement has now been directed to be taken on record, plaintiff would be at liberty to file replication, if any, within four weeks and thereafter, learned Commercial Court shall proceed further with the matter in accordance with law.

8. Apparently, from the facts placed before this Court, the



defendant had knowledge about the abovesaid suit and had, in fact, appeared before learned Commercial Court on 27.02.2024 but despite that it was not quick enough in filing written statement and, therefore, the defendant is also imposed with a cost of 75,000/- which shall be payable to plaintiff on the next date of hearing before learned Trial Court, which is stated to be 01.04.2025.

9. The present petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 25, 2025
st/pb