



\$~58

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 25th March, 2025**

+ CM(M) 3026/2024

DELHI TECHNOLOGICAL UNIVERSITY AND ANR

.....Petitioner

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Ms. Palak Rohmetra,
Ms. Laavanya Kaushik, Ms. Aliza
Alam and Mr. Amitoj Chadha,
Advocates.

versus

SH. RAHUL BANSAL AND ORS

.....Respondent

Through: Mr. Anuj Arya, Mr. Arpit Verma and
Ms. Sakshi Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 3026/2024 & CM APPL. 17227/2025 (seeking early hearing)

1. Petitioner i.e. Delhi Technological University is defending a suit.
2. It was, admittedly, served with summons on 01.03.2024.
3. Instead of, immediately filing a written statement, it moved an application under Order VII Rule 11 CPC contending that suit was barred by limitation. Such application was filed on 05.06.2024 and same day, such application was dismissed.
4. However, since the defendant-University had not filed any written statement, its defence was also directed to be struck off.
5. The defendant-University moved an application before the learned Trial Court under Section 151 CPC praying therein to condone the delay in



filing written statement and to permit it to participate in the proceedings.

6. According to the learned counsel for petitioner, written statement was filed on 29.06.2024 i.e. within the outer permissible limit of 120 days. It is, very fairly, admitted that though the University should have been vigilant in the first instance and should have filed the written statement within the initial period of 30 days but since the petitioner had already filed an application under Order VII Rule 11 CPC and the same was dismissed then and there, the Court should have, at least, granted a breather to them as the period of 120 days had yet not expired.

7. Notice was issued and pursuant to such notice, there is appearance from the side of respondent/plaintiff.

8. When the matter was taken up by this Court on 13.11.2024, learned counsel for the plaintiff, on instructions, submitted that the plaintiff was ready to give concession for taking such written statement on record, *albeit*, subject to imposition of cost.

9. Thereafter, the matter was adjourned for 21.05.2025.

10. In the interregnum, the abovesaid application seeking early hearing has been moved by the respondent.

11. Mr. Arpit Verma, learned counsel for respondent/plaintiff, reiterates that, without prejudice to his rights and contentions, the plaintiff would have no objection if the written statement is directed to be taken on record, subject to cost.

12. Keeping in mind the overall facts and circumstances of the case and the gracious concession given by the learned counsel for respondent, the present petition is disposed of with the direction that such written statement shall be deemed to be on record.



13. Needless to say, the defence of the University, which had been struck off, also stands restored. Plaintiff would be at liberty to file replication, if any, within 15 days from today with advance copy to opposite side and, thereafter, the learned Trial Court shall proceed further with the matter, in accordance with law.

14. Simultaneously, for causing the delay in filing the written statement, the petitioner University is burdened with cost of Rs.25,000/- which shall be paid to the plaintiff on the next date of hearing before the learned Trial Court which is stated to be 22.04.2025.

15. The petition stands disposed of in aforesaid terms.

16. The next date fixed in the matter i.e. 21.05.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

MARCH 25, 2025/ss/SS