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

% ***Date of Decision: 29<sup>th</sup> May, 2025***

+ CM(M) 2265/2024 & CM APPL. 34310-34311/2025

JASMIT SINGH

.....Petitioner

Through: Mr. Abhay, Advocate.

versus

OMKARA TRANSPORT PRIVATE LIMITED & ORS.

.....Respondent

Through: Mr. Varun Gupta with Ms. Richa Mishra, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The next date in the present matter is 29.08.2025.
2. The present application has, however, been filed by the petitioner who seeks direction to learned Trial Court to not, finally, dispose of the suit in question, as else the present petition might become infructuous.
3. Learned counsel for respondent/plaintiff has also appeared on advance notice.
4. This Court has gone through the various important facets of the case.
5. The petitioner herein (defendant No.4 before the learned Trial Court) was proceeded against *ex-parte* and, when he filed an application under Order VIII Rule 10 CPC, the learned Trial Court allowed his such application on 13.01.2023 and granted him *two weeks time* to file written statement. .
6. There was a specific direction that such written statement be filed, positively, with advance copy to the opposite side.
7. It seems that such direction was taken in a very casual manner by defendant No.4 as the written statement was filed by him on 28.04.2023 i.e. after more than a period of three months, reckoned from 13.01.2023 when the



Court had, merely, granted him time of two weeks.

8. The sole grievance from the side of petitioner is that, since he was not, otherwise, served in the above suit and, since even the learned Trial Court had recorded a specific observation to said effect, the time would start to run only from the date when copy of the plaint and document were, eventually, supplied to him.

9. According to him, he made request in this regard to the opposite side and the copy of the plaint and documents were supplied to him only on 11.02.2023.

10. Fact remains that, even if, the documents had been supplied to him on 11.02.2023, he has no reasonable and plausible answer as to why the written statement was filed on 28.04.2023.

11. The timelines provided for any such suit, which is commercial in nature, are very strict and rigid in nature and if the petitioner was having any grievance with respect to non-supply of plaint/documents, it was expected that within the initial permissible period of thirty days, he would have made some request in this regard before the learned Trial Court.

12. Nothing of that kind was done or contemplated.

13. This Court is, however, conscious of the fact that the learned Trial Court itself had permitted him to file written statement in two weeks and there was appearance from their side on 13.01.2023 and the written statement was eventually filed on 28.04.2023 which is, otherwise, within the permissible outer limit of 120 days.

14. Learned counsel for the respondent/plaintiff submits that though the petitioner is not entitled to be given any indulgence, without prejudice to his rights and contentions, he would have no objection if the written statement is



directed to be taken on record, subject to exemplary cost.

15. The suit in question has already got delayed unnecessarily.

16. Keeping in mind the overall facts of the case, and the fact that the petitioner herein also took the things in a very laid back and relaxed manner, and did not even bother to point out to the learned Trial Court that he had not been given copies of the plaint and, despite the fact that the copies were supplied to him, he was not quick enough in submitting the written statement, and keeping in mind the gracious concession given by the learned counsel for the plaintiff/respondent, though the present petition is disposed of with the direction that the written statement is directed to be taken on record, *albeit*, it would be subject to cost of Rs. 75,000/-

17. Let the abovesaid cost be cleared within ten days from today.

18. Since the written statement has now been directed to be taken on record, the petitioner would be at liberty to file replication, if any, and learned Trial Court is also requested to proceed further with the matter in accordance with law.

19. It is also made clear that no unnecessary and unwarranted adjournment would be granted to defendant No. 4 in future.

20. Petition stands disposed of in aforesaid terms.

21. Next date i.e. 29.08.2025 stands cancelled.

22. Pending applications also stand disposed of.

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

**MAY 29, 2025/sw/PB**