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

% *Date of Decision: 30th July, 2025*

+ CM(M) 1400/2025 & CM APPL. 46065-46066/2025

MUNICIPAL CORPORATION OF DELHI & ANR.Petitioner

Through: Mr. Akash Chatterjee, Advocate

versus

RAJ KUMAR GOELRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner-Corporation is defending a suit which is commercial in nature.
2. Admittedly, it was served with summons on 20.03.2025 and when the matter was taken up by the learned Trial Court on 19.05.2025, noticing that the written statement had not been filed and no application had been moved seeking condonation of delay in filing written statement, its right to file written statement has been closed and the matter has been adjourned to consider whether in such a situation, a decree can be passed in favour of the plaintiff or not.
3. Written statement was subsequently filed on 24.05.2025 but learned Trial Court has fixed up the matter for consideration of the application moved by petitioner-Corporation under Order VIII Rule 1 CPC.
4. Since, the aforesaid application moved by the defendant-Corporation under Order VIII Rule 1 CPC is still alive before the learned Trial Court, at this juncture, this Court does not want to interfere with the matter.
5. The next date before the learned Trial Court is stated to be 02.09.2025



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and learned District Judge (Commercial Court) is requested to consider the aforesaid application, in accordance with law.

6. Needless to say, in case the aforesaid application is dismissed, petitioner would be permitted to invoke the supervisory jurisdiction of this Court, afresh.

7. The present petition is disposed of in aforesaid terms.

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

9. All rights and contentions of the parties are reserved.

(MANOJ JAIN)
JUDGE

JULY 30, 2025/dr/shs