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

+ **CS(COMM) 524/2023**

ANURAG GUPTA

.....Plaintiff

Through: Mr. Rahul Mangla, Mr. Abhiesumat
Gupta and Mr. Arun Bhattacharya,
Advocates

versus

VINEET TREHAN & ANR.

.....Defendants

Through: Mr. Rohit Gandhi, Advocate for D-1
Mr. Bharat Gupta, Mr. Varun Tyagi,
Ms. Akshita and Mr. Ishan
Srivastava, Advocates for D-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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16.04.2025

I.A. 9651/2025 (Under Order VIII Rule 10 CPC by plaintiff)

1. This is an application filed by the plaintiff under Order VIII Rule 10 read with Order VI Rule 16 of Civil Procedure Code, 1908 ('CPC') seeking a direction for striking of the written statement of defendant no. 2 from the record.
2. Learned counsel for the applicant/plaintiff states that defendant no. 2 was served along with the plaint and supporting documents on 19.08.2023.
3. He states that written statement was filed by defendant no. 2 after a delay of 112 days, without any application seeking condonation of delay under Order VIII Rule 1 of CPC.
4. He states in these circumstances, the learned Joint Registrar ought not



to have taken the written statement on record vide order dated 05.01.2024.

5. He further states that the plaintiff's affidavit of admission/denial of documents of defendant, has not been permitted to be taken on record.

6. Mr. Bharat Gupta, Advocate appears on advance service for defendant no. 2 and states that written statement was filed with the Registry on 30.10.2023 and was duly served upon the counsel for the plaintiff as well.

7. He states that, thereafter, due to formal defects marked by the Registry it could not come on record, however, the same was removed and the written statement was finally to be brought on record on 11.12.2023.

8. He states that, therefore, there was no inordinate delay in filing the written statement and there is no ground to interfere in the order dated 05.01.2024 passed by the learned Joint Registrar.

9. This Court has heard the learned counsel for the parties in view of the judgement of the Supreme Court in **A.P. Distributors v. Ok Play India (P) Ltd.**¹, this Court is of the considered opinion that the order of the Ld. Joint Registrar dated 05.01.2024 does not suffer from any infirmity and requires no interference.

10. The written statement of the defendant no. 2 has been filed within the extended period of 90 days beyond 30 days in the year 2023, whereas the captioned application has been filed by the plaintiff after 15 months in 2025 to challenge the order dated 05.01.2024, the challenge is even otherwise not justified on delay and laches.

11. The application is accordingly dismissed.

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12. It is however clarified and directed that the affidavit of



admission/denial of documents, filed by plaintiff *qua* the documents filed by defendant are directed to be taken on record in view of the judgment of the Co-ordinate Bench of this Court in **Louis Dreyfus Company India Pvt. Ltd. v. Nutrilite Agro Products Pvt. Ltd.**².

13. The plaintiff is directed to re-serve a copy of the affidavit of admission/denial of documents within a period of three (3) days to the counsel for defendant no. 1 and defendant no. 2.

14. The aforesaid directions have been passed with the consent of the parties.

15. List the matter before the Ld. Joint Registrar (J) on **02.05.2025**.

MANMEET PRITAM SINGH ARORA, J

APRIL 16, 2025/rhc/ms

Click here to check corrigendum, if any

¹ 2022 SCC OnLine SC 1512

² 2024 SCC OnLine Del 278