

CS (COMM) 191/25

AMRITSAR HAVELI CUISINES PRIVATE LIMITED VS. AMRITSARI HAVELI

01.07.2026

Present - Mr. Naseem Sheikh, Counsel for plaintiff.

Mr. Ramnesh Verma, Counsel for defendants.

Vide my separate order announced today, the application filed by defendant nos.1 to 3 under Order VIII Rule 1 CPC for condonation of delay in filing the written statement, is dismissed.

Put up for plaintiff's evidence on **01.08.2026**.

(Sandeep Yadav)

District Judge (Commercial Court)-03
South/01.07.2026

**IN THE COURT OF SH. SANDEEP YADAV,
DISTRICT JUDGE (COMMERCIAL)-03, SOUTH,
SAKET COURTS, NEW DELHI**

CS (COMM) 191/2025

AMRITSAR HAVELI CUISINES
PRIVATE LIMITED

...Plaintiff

Versus

AMRITSARI HAVELI

...Defendants

ORDER

01.07.2026

1. Instant application has been filed by defendant nos.1 to 3 under Order VIII Rule 1 CPC (wrongly mentioned as Order VII Rule 1 CPC in the title of the application) for condonation of delay in filing the written statement.
2. Arguments addressed at bar by Mr. Chiranjeev Singh, learned counsel for the defendants and Mr. Naseem Sheikha with Mr. Rahul Singh, learned counsels for the plaintiff were heard at length.
3. It is mentioned in the application that summons issued in this case were received by the defendants on 07.05.2025 and the defendants who are located in Assam needed some time to appoint an advocate in Delhi to represent the defendants in the present case. It is further

stated in the application that the written statement and the annexures were exchanged many times between the defendants and their counsel which consumed a lot of time and hence, there is delay of about 56 days in filing the written statement.

4. As per defendants' own case, defendants were served on 07.05.2025. The written statement was filed on behalf of the defendants on 02.08.2025 i.e. beyond the statutory period of 30 days. It may be pointed out here that no application for condonation of delay in filing the written statement was filed at the time of filing of the written statement. On 04.08.2025, Mr. Rahul Singh, learned counsel for the plaintiff raised an objection to the effect that written statement has not been filed within the statutory period prescribed under Order VIII Rule 1 CPC and accordingly, the case was adjourned for consideration of the issue as to whether the written statement was filed by the defendants within the prescribed period. On the next day i.e. 13.10.2025, proxy counsel appeared for the defendants and made a request for adjournment on the ground that the main counsel for the defendants is not available because of some personal difficulty and accordingly, the case was adjourned to 24.11.2025. The present application was filed on 23.11.2025 i.e. beyond the period of 120 days from the date of service of the summons on the defendants.

5. The statutory period prescribed under Order VIII Rule 1 CPC for filing the written statement is 30 days from the date of service of summons on the defendants. The said period of 30 days for filing the written statement may be extended upto maximum period of 120 days at the discretion of the Court on the reasons/ grounds to be shown by the defendants by way of an application in writing. The question as to whether the application for condonation of delay filed after 120 days from the date of service of the summons, can be considered or not, was decided by the Hon'ble Delhi High Court in ***"M/s Ok Play India Pvt. Ltd. Vs. M/s A.P. Distributors & Anr. decided on 17.08.2021"***. It was held in this case that no application can be filed seeking condonation of delay in filing the written statement after 120 days have elapsed. Therefore, the instant application filed by the defendants for condonation of delay in filing the written statement is hit by the ratio laid down in ***M/s Ok Play India Pvt. Ltd. (Supra)***, as this application was filed after the expiry of 120 days from the date of service of summons on the defendants.
6. As discussed above, the defendants woke up only after specific objection in this regard was taken by the learned counsel for the defendants and chose to file the instant application which ought to have been filed along with written statement. Considering the aforesaid factual position and guided by the law laid down in ***M/s Ok Play India Pvt. Ltd. (Supra)***, it is held that the present application

filed by the defendants under Order VIII Rule 1 CPC for filing the written statement is liable to be dismissed and is, accordingly, dismissed. The written statement filed by the defendant nos.1 to 3 is taken off the record. Once, it is held that the defendants failed to file written statement within the stipulated time, the Court has two options viz. **(a)** to pronounce the judgment against the defendants or **(b)** to make such order in relation to the suit as the Court thinks fit. In the considered opinion of the Court, the appropriate course in the present case would be to ask the plaintiff to prove its case by leading evidence. Accordingly, the matter is now listed for plaintiff's evidence on **01.08.2026**.

Announced in the open court
on 01.07.2026.

SANDEEP
YADAV

Digitally signed by SANDEEP
YADAV
Date: 2026.07.02 16:28:50 +0530

(Sandeep Yadav)
District Judge (Commercial)-03
South, Saket Courts, New Delhi