

M/S GOLDMEDAL ELECTRICALS PVT LTD Vs. DALPAT
SINGH

26.09.2023

Present: Sh. Kamal Naresh, Ld. Counsel for the plaintiff.
Ms. Shilpi Sinha and Sh. Aditya Vats Sharma, Ld.
Counsels for the defendant.

Ld. Counsel for the plaintiff states that the defence of the defendant was struck off vide order dated 02.05.2022 and therefore, even the right to file amended written statement cannot be given, as the written statement was filed much beyond the stipulated period, as prescribed under The Commercial Courts Act, 2015 i.e. beyond the period of 120 days.

However, at this stage, Ld. Counsel for the defendant submits that at that time, when the defence was struck off, it was not a commercial suit and was an ordinary suit only. Therefore, her application u/S. 151 CPC for setting aside the said order can be considered.

In these circumstances, Ld. Counsel for the plaintiff is directed to file replies to the application(s) moved on behalf of the defendant, one u/S. 151 CPC for setting aside order dated 02.05.2022, whereby his defence was struck off as well as another application of the defendant u/S. 10 r/w. Sec. 151 CPC within four weeks time with copy to the opposite party, who may file rejoinder thereto within two weeks time thereafter with copy to the opposite party.

Put up for replies / arguments on the above application(s) of the defendant on 15.12.2023.

SANJEEV AGGARWAL
District Judge (Commercial Court)-02
Patiala House Court, New Delhi.
26.09.2023