

Delhi High Court**Aaj Supply Chain Management Pvt. Ltd. ... vs Skylark Express (Delhi) Pvt. Ltd on 17 September, 2025**

\$~92 * IN THE HIGH COURT

OF DELHI AT NEW DELHI

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Decision: 17.09.2025 + CM(M) 1827/2025, CM APPL.
58843/2025 & CM APPL. 58842/2025

AAJ SUPPLY CHAIN MANAGEMENT PVT. LTD. FORMERLY
KNOWN AS AAJ ENTERPRISES PRIVATE LIMITED

.....Petitioner

Through: Mr. Mohit Aggarwal and Ms. Pooja Saini, Advocates.

versus

SKYLARK EXPRESS (DELHI) PVT.

LTDRespondent

Through: Ms. Snigdha Singh,
Advocate. CORAM: JUSTICE GIRISH
KATHPALIA J U D G M E N T (ORAL)

1. Petitioner has assailed order dated 14.07.2025 of learned Commercial Court, whereby application filed by petitioner under Order VIII Rule 1 CPC was dismissed.

2. From the impugned order it appears that on 19.06.2024, summons of the suit were served on the petitioner/defendant, but he filed the Written Statement on 05.11.2024 along with an application under Order VIII Rule 1 CM(M) 1827/2025 Page 1 of 4 pages DN: c=IN, o=HIGH COURT OF DELHI, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, ou=HIGH COURT OF DELHI,CID -

KATHPALIA 7047638, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d15570996b40f80cbd 2eee60402c487965ff801e26fa,
cn=GIRISH KATHPALIA Date: 2025.09.17 14:32:07 -07'00' Digitally Signed By:NEETU N NAIR
Signing Date:17.09.2025 15:03:16 CPC, explaining that on 03.09.2024, when on service of
summons counsel for petitioner/defendant appeared in the trial court, the learned Judge being
on leave, Ahlmad of the court recorded his plea that the copy of plaint and annexures were
illegible and counsel for the present respondent/plaintiff assured to supply a legible copy. But
the legible copy was supplied only on 05.10.2024 and the Written Statement was filed on
05.11.2024. Learned trial court took a view that it is the petitioner/defendant who should have

made efforts to seek copies of the paperbook by moving a proper application after service of summons.

3. Learned counsel for petitioner/defendant submits that it is not a case where on 03.09.2024, the present respondent/plaintiff claimed that legible paperbook had already been supplied and an additional paperbook would also be provided; since had that been the case, the petitioner/defendant would not have been able to claim benefit of belated supply of the paperbook. Learned counsel for petitioner/defendant submits that the present respondent/plaintiff did not supply the paperbook immediately or soon after 03.09.2024 but supplied the same much later on 05.10.2024, so that the period of 120 days after service of summons also would elapse. Further, it is contended by learned counsel for petitioner/defendant now that Written Statement has already been filed, it would be fair and justifiable if the same is taken on record.

4. Learned counsel for respondent appearing on advance intimation CM(M) 1827/2025 Page 2 of 4 pages GIRISH Digitally signed by GIRISH KATHPALIA DN: c=IN, o=HIGH COURT OF DELHI, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb483 5d435f97626cacca, ou=HIGH COURT OF DELHI,CID - 7047638, postalCode=110003, st=Delhi, serialNumber=d3e86796451ec45c07b5d15570996b40f80cbd2e ee60402c487965ff801e26fa, cn=GIRISH KATHPALIA Date: 2025.09.17 14:31:54 -07'00' Digitally Signed By:NEETU N NAIR Signing Date:17.09.2025 15:03:16 accepts notice and does not dispute that there is nothing on record to show that what was supplied to the petitioner/defendant on 05.10.2024, was a duplicate/additional set of paperbook. However, learned counsel for respondent/plaintiff strongly contends that there is nothing on record to explain as to why the petitioner/defendant after being served with the summons on 19.06.2024 stayed silent and did not write any letter to the respondent/plaintiff or the counsel, requesting for legible copies; not even any application for legible copies was filed formally.

5. After addressing partly, learned counsel for respondent/plaintiff on instructions of her client submits that in the interest of expeditious disposal of the suit, the respondent/plaintiff has no objection if this petition is allowed subject to heavy cost.

6. Considering the overall circumstances discussed above and also keeping in mind the cardinal principle of justice that disputes, as far as possible should be decided on merits instead of defaults, especially where the defaulting party can be burdened with a cost to compensate the

other party, the courts can extend indulgence. In the present case, as mentioned above, the Written Statement has already been filed.

7. Therefore, with consent of both sides, the impugned order to the extent of dismissal of application under Order VIII Rule 1 CPC is set aside and the present petition is allowed subject to the present petitioner paying CM(M) 1827/2025 Page 3 of 4 pages GIRISH Digitally signed by GIRISH KATHPALIA DN: c=IN, o=HIGH COURT OF DELHI, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d 435f97626cacca, ou=HIGH COURT OF DELHI,CID - 7047638, postalCode=110003, st=Delhi, serialNumber=d3e86796451ec45c07b5d15570996b40f80cbd2eee 60402c487965ff801e26fa, cn=GIRISH KATHPALIA Date: 2025.09.17 14:31:41 -07'00' Digitally Signed By:NEETU N NAIR Signing Date:17.09.2025 15:03:16 the cost of Rs. 25,000/- to the present respondent/plaintiff within one week. It is made clear that if the cost is not paid within one week from today, the Written Statement shall be taken off the record. The accompanying applications also stand disposed of.

GIRISH DN: c=IN, o=HIGH COURT OF DELHI, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4835d435f97626cacca, ou=HIGH COURT OF DELHI,CID - 7047638, KATHPALIA postalCode=110003, st=Delhi, serialNumber=d3e86796451ec45c07b5d15570996b40f80cbd2eee60402c487965ff801e2 6fa, cn=GIRISH KATHPALIA Date: 2025.09.17 14:31:24 -07'00' GIRISH KATHPALIA (JUDGE) SEPTEMBER 17, 2025/dr CM(M) 1827/2025 Page 4 of 4 pages

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