

(2025) 08 DEL CK 0737

In the Delhi High Court

Case No : Civil Miscellaneous Petition No. 2895 Of 2024 & Civil Miscellaneous Application No. 38436-38437 Of 2024

Sh Kailash Jain

APPELLANT

Vs

Sh Somveer Nayak

RESPONDENT

Date of Decision : 20-08-2025

Acts Referred:

Constitution of India, 1950 — Article 227
Code of Civil Procedure, 1908 — Order 37 Rule 3

Citation : (2025) 08 DEL CK 0737

Hon'ble Judges : Manoj Jain, J

Bench : Single Bench

Advocate : Anubhav Bhardwaj

Final Decision : Dismissed

Judgement

Manoj Jain, J

1. Petitioner is plaintiff before the learned Trial Court and has filed a suit which is summary in nature.

2. Pursuant to the summons issued by the learned Trial Court the defendant entered his appearance under Order XXXVII Rule 3 CPC, albeit, belatedly and the grievance is with respect to order dated 03.06.2024 whereby such delay has been condoned by the learned Trial Court.

3. Even as per the basic calculation made by the plaintiff, the summons were served upon the defendant on 01.03.2024 and the defendant entered his appearance on 13.03.2024 and, therefore, there is a delay of three days.

4. The sole grievance of the plaintiff is that no cogent reason has been furnished for causing delay in entering the appearance and, therefore, the learned Trial Court should not have condoned the delay.

5. The impugned order would indicate that the learned Trial Court has, after

appreciating the averments made in the application, came to conclusion that the defendant had been able to show "sufficient cause" for delay in entering the appearance. It also observed that it was duly supported by a screenshot of the conversation between the counsel and brother of the defendant.

6. Keeping in mind that the insignificant delay, the learned Trial Court has condoned the same and has allowed the abovesaid application filed by the defendant.

7. There is no dispute about the fact that delay, on sufficient cause being shown, can always be condoned. The delay is hardly of two-three days and the learned Trial Court, after satisfying itself about the reason behind the abovesaid delay has chosen to condone the delay.

8. This Court, therefore, does not find any reason, much less a compelling one, to interfere with the abovesaid order by invoking supervisory jurisdiction under Article 227 of Constitution of India, when there is nothing to indicate that the abovesaid discretion has been exercised by the learned Trial Court against the settled principles of law or in arbitrary manner.

9. Finding no illegality or perversity in the impugned order, the petition is hereby dismissed in limine.

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