

**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY APPELLATE JURISDICTION**

Special Leave to Appeal (C) No(s). 25197 of 2026

**GOKUL CHAND MANOJ KUMAR AND SONS
(GM AND SONS) PRIVATE LIMITED & ANR.**

....PETITIONERS

VERSUS

K.A.S. ZAINULABDIN AND CO.

....RESPONDENT(S)

ORDER

The short question arising in the above case is whether the defendant had satisfactorily explained the delay caused in filing the written statement in a Commercial Suit.

2. The learned counsel appearing for the respondent-plaintiff, however, pointed out that the written statement was filed after the 120 days' period.

3. On a reading of the impugned order, we find that the summons was received by the defendant on 30.05.2025 and the 120 days' period, within which the written statement has to be filed, in a Commercial Suit, with application for condonation of delay ends on 27.09.2025. The written statement was affirmed on 18.09.2025 and on 23.09.2025, the Master's summons was taken out, seeking condonation of delay and acceptance of the written statement. Due to the intervening annual vacations, the

returnable date of the Master's summons was given as 28.10.2025. An application was filed on 27.10.2025, seeking permission to file the written statement which also was affirmed within 120 days. The Court found absolutely no reason to deny the prayer; which we agree with, in the peculiar facts and circumstances of this case.

4. However, the Court found that the reasons stated for condonation of delay was not satisfactory. We have looked at the specific paragraphs noticed by the Court, being paragraphs 4, 6, 7 and 8 of the application filed which is produced as Annexure P1 before this Court. We are quite conscious of the fact that the satisfaction arrived at insofar as the reasons stated is discretionary in nature and normally, a Court sitting in appeal would not substitute the discretion, with a reasoning of its own. However, we find that the affidavit speaks of having received the summons and immediately seeking legal assistance and the instructions received to collect documents for preparation of the written statement which took considerable time.

5. In any event, the written statement was finalized on 18.09.2025 within 120 days of the receipt of the summons. We are of the opinion that the Court ought to have found the reasons to be satisfactory, since otherwise, the defendant would be unable

to put-forth his contentions before the Court. Ends of justice requires the delay to be condoned on the explanation offered. We, hence, set aside the order to that extent, finding the reasons stated for delay to be satisfactory.

6. We direct the written statement to be accepted, and the case shall be proceeded with, in accordance with law.

7. With the above directions, the Special Leave Petition stands disposed of.

8. Pending application(s), if any, shall also stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 31, 2026.**