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**(2026) 07 DEL CK 0233**

**In the Delhi High Court, Principal Bench, New Delhi**

**Case No : CS(OS) 614/2024**

Gulshan Kaur

APPELLANT

Vs

Sanjiv Kumar Dham & Anr.

RESPONDENT

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**Date of Decision : 09-07-2026**

**Acts Referred:**

Delhi High Court (Original Side) Rules, 2018 — Rule 5, Chapter II  
CPC — Section 151

**Citation : (2026) 07 DEL CK 0233**

**Hon'ble Judges : Sachin Datta, J**

**Bench : Single Bench**

**Advocate : Mr. Vijay Kasana, Mr. Sunil Chaudhary, Mr. Ashish Bassi, Ms. Shreya Gulati**

**Final Decision : Dismissed**

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## **Judgement**

**SACHIN DATTA, J. (ORAL)**

**IA No.17483/2026 (seeking condonation of delay of 242 days in filing Chamber Appeal)**

**O.A.171/2026 (filed on behalf of D-1 against order dated 25.09.2025)**

1. The present chamber appeal is preferred by the appellant / defendant no.1 under Rule 5, Chapter II of the Delhi High Court (Original Side) Rules, 2018 read with Section 151 CPC against the order dated 25.09.2025, passed by the Ld. Joint Registrar (Judicial) in CS(OS) 614/2024, whereby the right of the defendant no.1 to file written statement was closed.

2. The order dated 25.09.2025 records that summons were issued to the defendant no.1 on 16.04.2025. This aspect is not disputed by the defendant no.1. It is also matter of record that no written statement was filed within the prescribed period.

3. Thereafter, I.A. No.12628/2026 came to be filed by the said defendant no.1 on

29.04.2026. The same reads as under:

- "1. That the present suit has been filed by the Plaintiff seeking specific performance of an alleged oral agreement to sell dated 13.04.2021 in respect of property bearing Plot No. I-49, Jangpura Extension, New Delhi.*
- 2. That the Defendant No.1 has been arrayed as a party in the present proceedings and intends to contest the suit on merits.*
- 3. That due to circumstances beyond the control of the Defendant No.1, the Written Statement could not be filed within the stipulated period, and consequently the opportunity to file the written statement was closed by this Hon'ble Court.*
- 4. That the delay in filing the Written Statement is neither intentional nor deliberate but occurred due to bona fide reasons.*
- 5. Since the pleadings are yet to be completed, and the matter is at an early state, an opportunity may be granted to Defendant No.1 to file his written statement.*
- 6. That the Defendant No.1 has a substantial and meritorious defence to the present suit, and unless the Written Statement is taken on record, grave prejudice shall be caused to the Defendant No.1.*
- 7. That allowing the Written Statement to be taken on record will not cause any prejudice to the plaintiff, whereas refusal would lead to serious injustice to the Defendant No.1. If the opportunity is denied, it shall cause irreparable harm to the Defendant No.1.*
- 8. That this Hon'ble Court has the power under Section 151 CPC to allow the Written Statement to be taken on record in the interest of justice.*

**Prayer**

*In view of the above facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:*

- a) Permit the Defendant No.1 to file the Written Statement and take the same on record despite the delay;*
- b) Pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

4. A perusal of the aforesaid IA shows that it does not contain any cogent justification for not filing written statement. The said I.A. was itself filed on 29.04.2026, viz. more than a year after summons stood served on the defendant no.1.

5. *Vide* the impugned order dated 25.09.2025, the Joint Registrar has rightly recorded that since written statement has not been filed within the prescribed time, right of the defendant no.1 to file the same stands closed.

6. It is noticed that even the present Chamber Appeal against the said order dated 25.09.2025 is accompanied by an application seeking condonation of delay of 242 days in filing the Chamber Appeal. The said application cites medical condition of the defendant no.2 (who is the brother of the defendant no.1) as the reason for not filing the written statement in the prescribed time period.

7. It is noticed that the aspect regarding the medical condition of defendant no.2 was not even cited by the defendant no.1 in its IA No.12628/2026.

8. In the aforesaid context and given the chronology, this Court finds no justification for condoning the delay of 242 days in filing the Chamber Appeal.

9. Therefore, the application for condonation of delay (IA No.17483/2026) is accordingly, dismissed.

10. O.A.171/2026 also accordingly, stands dismissed.