

(2026) 07 DEL CK 0224

In the Delhi High Court, Principal Bench, New Delhi

Case No : CS(OS) 174/2024 and IA Nos.4760/2024, 5991/2024, 9266/2024,
32891/2025, 32892/2025, 32893/2025

Smt Sushma Vats & Ors.

APPELLANT

Vs

Sh Dinesh

RESPONDENT

Date of Decision : 13-07-2026

Acts Referred:

Delhi High Court (Original Side) Rules, 2018-Chapter II Rule 5
Code of Civil Procedure, 1908 — Order VIII Rule 1, Section 148, 151, VII Rule 11
Delhi High Court (Original Side) Rules — Rule 4 of Chapter VII

Citation : (2026) 07 DEL CK 0224

Hon'ble Judges : Sachin Datta, J

Bench : Single Bench

Advocate : Mr. Gurmit Singh Hans, Ms. Jyoti Batra, SI Daya Ram Meena

Final Decision : Dismissed

Judgement

SACHIN DATTA, J. (ORAL)

O.A. 245/2025 [under Chapter II Rule 5 of the Delhi High Court (Original Side) Rules, 2018, challenging the order dated 11.09.2025 passed by Ld. Joint Registrar in IA No. 43679/2024]

1. The present chamber appeal filed under Chapter II Rule 5 of the Delhi High Court (Original Side) Rules, 2018, assails an order dated 11.09.2025 passed in I.A. No. 43679/2024 by the learned Joint Registrar (Judicial). The relevant portion of the said order reads as under:-

"IA No.43679/2024 under Order VIII Rule 1 r/w Section 148 & 151 CPC moved by defendant seeking condonation of delay of 167 days in filing of the Written Statement.

1. By way of the captioned IA, the applicant/defendant seeks condonation of delay of 167 days in filing of the Written Statement on the ground that since settlement talks between the parties were underway and further, due to mis-happenings in the family of learned

counsel for the defendant in the end of month of June, 2024, the delay was occasioned.

2. No reply to the above-captioned IA has been filed on behalf of the plaintiffs and arguments have been addressed straightway.

3. I have heard the rival submissions and gone through the Court records.

4. In the present case, the defendant was served with summons of the suit on 19.03.2024 and the Written Statement has been filed on 19.09.2024, which was under objections and thereafter, the objections were removed and Written Statement was re-filed on 24.10.2024.

*In **Ms. Charu Agarwal Vs. Mr. Alok Kalia & Ors.**, 2023/DHC/001454, the Hon'ble Court of Delhi clearly held that as per Rule 4 of Chapter VII of Delhi High Court (Original Side) Rules, the defendant is not entitled to file Written Statement beyond 120 days in any circumstances whatsoever in view of language employed in Rule 4 of Chapter VII of Delhi High Court (Original Side) Rules.*

5. In the present case, the limitation period of 120 days for filing Written Statement on behalf of the defendant has already expired on 19.06.2024 and the delay beyond the period of 120 days cannot be condoned, as per law. Hence, the right of the defendant to file Written Statement stands forfeited.

Accordingly, the captioned IA stands dismissed and disposed of.

2. The averments made by the appellant are directed against the maintainability of the present suit. No cogent explanation has been given as to the delay in filing Written Statement nor any legal error has been brought out in the impugned order except to make the point that the time limit prescribed in the Order VIII Rule 1 of CPC is directory in nature and not mandatory. The implication/s flowing from the judgment in the case of **Ms. Charu Agarwal Vs. Mr. Alok Kalia & Ors. (supra)** is not disputed.

3. The impugned order rightly notes the sequence of events and chronology, and finds that the delay in filing the Written Statement is not liable to be condoned.

4. It is also noted that *vide* order dated 15.09.2025 passed in the present proceedings, the Predecessor Bench of this Court, while disposing of IA No.43679/2024, observed as under: -

"I.A. 43679/2024 (DELAY OF 167 DAYS IN FILING WRITTEN STATEMENT.)

1. Since the right to file the written statement has already been closed, therefore, the instant application has rendered infructuous. Furthermore, the delay beyond 120 days in filing the written statement cannot be condoned.

2. Accordingly, the instant application stands dismissed."

5. In view of the aforesaid, no merit is found in the present appeal. This Court also does not find any cogent explanation for the delay in filing the chamber appeal; consequently, the O.A. 245/2025 stands dismissed.

6. Needless to say, in case the defendant has any objection as regards the maintainability of the present suit, which is the subject matter of IA No.42712/2024, it shall be open for the defendants to raise appropriate pleas when the said IA is considered.

IA No.42712/2024 (under Order VII Rule 11 r/w Section 151 of CPC on behalf of the defendant)

7. List for consideration on 03.11.2026.

IA No.31257/2025 (under Section 151 of CPC, on behalf of

applicants/plaintiffs for seeking necessary permission to put additional points in reply to an application under Order VII Rule 11 of CPC, 1908)

8. List before the Joint Registrar (Judicial) on 18.08.2026.