

23.05.2026

Present : Sh. Ujjwal, Ld. proxy Counsel for the plaintiff through VC.

Sh. Rahul Kumar Singh, Ld. Counsel for the defendant no. 2 through VC.

Sh. Amar Nath, Ld. proxy counsel for the defendant no. 1.

Sh. Ram Avtar Tyagi, Husband of the defendant no. 1 appeared through VC.

Ld. counsel for the defendant submits that, as per defendant no. 1, settlement talks are ongoing between the parties.

Ld. counsel for the plaintiff denies that any settlement talks are presently taking place between the parties.

Order on application of the defendant no. 2 u/s 151 of CPC for condonation of delay in filing of his written statement:-

1. The present application is being filed on behalf of Defendant No. 2 seeking condonation of delay in filing the written statement. The applicant/Defendant No. 2 was arrayed as a party in the present suit pursuant to an application moved on behalf of the plaintiff. Thereafter, the applicant engaged counsel to contest the matter, who inspected the judicial file and obtained certified copies of the

relevant record. Upon perusal of the proceedings, it transpired that the written statement could not be filed within the prescribed period due to certain domestic problems and circumstances beyond the control of the applicant, resulting in the delay. It is submitted that the said delay is neither intentional nor deliberate but bona fide in nature. It is further submitted that if the delay is not condoned, the applicant/Defendant No. 2 shall suffer irreparable loss and injury which cannot be compensated in terms of money. It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to condone the delay in filing the written statement and take the same on record in the interest of justice.

2. Ld. counsel for defendant no. 2 argued that due to certain domestic problems, defendant no. 2 could not file the present written statement within the prescribed period.

3. Straightaway, learned counsel for the plaintiff argued, without filing any reply, that there has been an inordinate delay in filing the present application as well as the written statement, without any sufficient cause being shown for the same.

4. I have heard the learned counsel for both parties, carefully perused the record, and considered the relevant legal precedents and judicial pronouncements applicable to the present case.

5. Sh. Prakash Mishra/defendant no. 2 was impleaded as a party to the present suit on 21.05.2022. Vide order dated 17.01.2023, the right of defendant no. 2 to file the written statement was closed. Thereafter, the written statement on behalf of defendant no. 2 was filed on 26.09.2025, whereas the present application seeking condonation of delay in filing the written statement was filed only on 29.01.2026.

There is an inordinate and unexplained gap between the date on which the right to file the written statement was closed and the filing of the present application. There is also a considerable delay between the date of impleadment i.e. 21.05.2022 and the order dated 17.01.2023 whereby the opportunity to file the written statement was closed. The only explanation furnished in the application is that due to certain domestic problems, the written statement could not be filed. However, neither the nature nor the particulars of the alleged domestic problems have been disclosed or explained.

Thus, the present application suffers from gross delay without any sufficient cause being shown. No ground is made out for entertaining the present application or for exercising discretion in favour of the applicant/defendant no. 2.

In view of the foregoing discussion, the application seeking condonation of delay in filing the written statement is hereby dismissed. **Consequently, the written statement filed on behalf of defendant no. 2 is taken off the record.**

The application stands disposed of accordingly.

Put up for clarifications on the application under Order XIV
Rule 5 CPC for framing of fresh/additional issues on **11.07.2026**.

(Vikas Garg)
DJ-05/East/KKD
Delhi/23.05.2026