

SHIVAM SAROHA Vs. NIRMAN VERMA

05.08.2025

Present : Sh. Sahil Jain, Ld. Counsel for the plaintiff through VC.
Sh. Deepak Kumar, Ld. Counsel for the defendant alongwith
defendant.

An application under Section 5 of the Limitation Act has been filed on behalf of the defendant seeking condonation of delay in filing the written statement.

Learned counsel for the plaintiff opposed the application, submitting that no sufficient or reasonable ground has been mentioned for the condonation of delay.

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

As per record, summons were served upon the defendant on 10.02.2025, and the written statement was filed on 22.04.2025. It is evident that the written statement has been filed within the prescribed period of 90 days from the date of service of summons.

It is a settled proposition of law that procedural rules are handmaids of justice and should not be applied so rigidly as to defeat the cause of substantial justice. The minor delay, if any, can be suitably compensated by imposition of costs.

Accordingly, in the interest of justice, the application under Section 5 of the Limitation Act is allowed, subject to payment of costs of ₹1,000/- by the defendant to the plaintiff.

Let the written statement be taken on record, subject to payment of the said cost.

The application stands disposed of.

Learned counsel for the plaintiff seeks an adjournment to file the replication.

Put up for replication/further proceedings on **16.10.2025**.

(Vikas Garg)
DJ-05/East/KKD
Delhi/05.08.2025