

**IN THE COURT OF MS. MEENU KAUSHIK: DISTRICT
JUDGE – 03: NEW DELHI DISTRICT: PATIALA HOUSE
COURTS : NEW DELHI**

CS 469/2023

Virat Mohan

Versus

Aditya Birla Finance Ltd.

13.03.2026

ORDER:

1 By way of this order, I shall dispose of the application moved on behalf of the defendant, seeking condonation of delay in filing the written statement.

2 Arguments on the application have already been heard.

3 It is submitted by learned counsel for defendant, that present application for seeking condonation of delay in filing the written statement is moved. It is further submitted that there is delay of about 80 days in filing the written statement. It is further stated that written statement was filed by the defendant upon receiving of complete copy of the plaint within 120 days. It is further stated that delay in filing the written statement was neither deliberate nor intentional. Reliance is also placed upon **AP distributors and Anr. Vs. OK play India Pvt. Ltd., 2022, SCC online, SC 1512**, wherein

it was held that application for condonation of delay in filing the written statement which is filed within the period of 120 days can be entertained, even if the application for condonation of delay is moved beyond the period of 120 days.

4 Application is highly opposed on behalf of the defendant. It is stated that no reason is given for not filing the written statement within period of 30 days of receiving of the plaint. It is further pointed out that one application for taking written statement on record has already been dismissed vide order dated 11.12.2024, and hence the present application cannot be entertained.

5 Arguments made on behalf of both the parties are taken into consideration. Record perused.

6 As per record, summons were served upon the defendant on 04.09.2023 while the written statement was filed on 11.04.2024. No satisfactory reason is given for not filing the written statement within the stipulated period. Vide order dated 11.12.2024, application of the defendant was disposed of with the observation that written statement of the defendant cannot be taken on record since no explanation was furnished for not filing the written statement within the prescribed time period of 30 days from the date of service of summons. Considering the fact that one such application has already been disposed of wherein defendant was not allowed to place on record the written statement and further the fact that today also no satisfactory ground for condonation of delay

is given, present application seeking condonation of delay in filing the written statement is disposed of as not allowed.

(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi
13.03.2026