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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 79/2025

SH RAJEEV SETHI & ANR.

.....Plaintiff

Through: Mr. Rohit Nagpal, Adv.
(appeared through VC), Ms. Jia
Kapur, Ms., Romsha Goel & Mr.
Manoj Gaud, Advs. With P-1 in
person (Mobile No.9561239171)

versus

SH HARISH SETHI AND OTHERS

.....Defendant

Through: Mr. Attin Shankar Rastogi, Mr.
Archit Chauhan & Mr. Adil
Vasudeva, Advs. for D-1 to 3
(appeared through VC)
Advocate for D-5 (appearance
not given
Right of D-4, 6 & 7 to file WS
closed vide order dated
06.08.2025.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

28.10.2025

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**I.A.No. 19965/2025 (under Section 5 of the Limitation
Act filed on behalf of the defendant no.1 to 3 for
condonation of delay in filing the written statement and
affidavit of admission/denial of documents)**

1. Heard. Record perused.
2. Perusal of record shows that defendant nos.1 to 3 have
already filed written statement and affidavit of
admission/denial of documents.
3. Perusal of record shows that the defendant no.1 was
served with summons of the suit on 25.02.2025.
Learned counsel for defendant no.1 to 3 appeared



before the court Joint Registrar (Judicial) on 20.03.2025. Written statement with affidavit of admission/denial of documents were filed on behalf of defendant no.1 to 3 for the first time on 01.05.2025, however, the same were returned under objection.

4. From the calculation of days from the date of service, it is evident that the defendant no.1 to 3 could not file their written statement within the stipulated period of 30 days, however, the same were filed within the extended period of 120 days. Accordingly, the captioned IA is allowed and written statement and affidavit of admission/denial filed by defendant nos.1 to 3 are taken on record.
5. IA stands disposed of.

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6. Replication and affidavit of admission/denial of documents qua defendant nos.1 to 3 have been filed by the plaintiff.
7. Learned counsel for the plaintiff has vehemently opposed the request made by learned counsel for the defendant on the ground that defendant no.5 has failed to file written statement or any application seeking condonation of delay in filing written statement.
8. Heard. Record perused.
9. Perusal of record shows that summons of the suit was served upon to the defendant no.5 on 18.03.2025. Further perusal of record shows that vakalatnama was filed on behalf of defendant no.5 on 17.04.2025. Defendant no. 5 filed written statement vide diary no.4254978/25 dated 01.07.2025 returned under



objection. Further ~~vernal~~ of record shows that the defendant no.5 failed to file the written statement after expiry of stipulated period and also did not remove objections. Furthermore, the defendant no.5 has not filed any application seeking condonation of delay in filing written statement till date. In view of the aforesaid circumstances, right of the defendant no.5 to file written statement is closed.

I.A.No.19557/2025 (under Order VII Rule 11 CPC filed on behalf of defendant no.5)

- 10.As per office note, reply to the captioned IA has been filed on behalf of plaintiffs.
- 11.Learned counsel for the defendant no.5 submits that he will file reply within two weeks. Be filed accordingly.
- 12.Learned counsel for defendant no.5 submits that the captioned IA may be placed before the Hon'ble Court and he will make appropriate submissions before the Hon'ble Court. Learned counsel for the plaintiff submits that he has no objection, if the matter is placed before the Hon'ble Court.
- 13.At joint request, list the matter before the Hon'ble Court for further directions on **04th December, 2025.**

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
OCTOBER 28, 2025/nk