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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, Ms. Jia Kapur  
& Ms. Piyush Ranjan, Advs.  
(appeared through VC)

versus

SH HARISH SETHI AND OTHERS

.....Defendant

Through: Mr. Attin Shankar Rastogi & Mr.  
Adil Vasudeva, Advs. for D-1 to  
3  
Mr. Shubham Barara, Adv. for  
D-5  
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**

**03.12.2025**

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**I.A.No.26869/2025 (under Order VIII Rule 1 CPC filed  
on behalf of defendant no.5 for condonation of delay in  
filing written statement) &**

**I.A.No.26870/2025 under Section 151 CPC filed on  
behalf of defendant no.5 for condonation of delay in re-  
filing written statement)**

1. It is submitted that the matter is coming up before this Court on 04.12.2025.
2. File is taken up today on listing of the captioned IA.
3. It is averred in the captioned IA that the defendant no.5



received summons in suit on 18.03.2025 and after receipt of summons, defendant no.5 contacted his counsel and gave all the documents available with him to prepare written statement and draft written statement was prepared. It is further averred that thereafter the defendant no.5 came to know about the certain additional facts and documents essential for preparation of the written statement, which were not traceable at that time. It is also averred that defendant no.5 able to search the documents in the end of April, 2025, however, written statement could not be filed within time as the said documents to be filed along with the written statement as the said documents were not legible. It is averred that the said documents were not legible and required to be re-typed and transcribed, which consumed considerable time. It is further averred that the written statement was prepared but could not be attested due to summer vacations in the Courts and the affidavit and written statement were attested after re-opening of the Courts.

4. Defendant no.5 has also filed an application seeking condonation of delay in re-filing the written statement and stated therein that after filing of the written statement, certain objections were raised by the Registry. It is further averred that written statement and affidavit of admission/denial of documents could not be re-filed within time as the office file of counsel was misplaced. It is also averred that as soon as the office file was traced, objections were cured and the written statement was re-filed.



5. Learned counsel for the plaintiff has strongly opposed the captioned IA and submitted that there is an inordinate delay in filing and re-filing the written statement and for the said reason, the captioned IAs may be dismissed with cost.
6. Arguments heard. Record perused.
7. Perusal of record shows that summons of the suit was sent to the defendant no.5, which defendant no.5 refused to accept on 11.03.2025 and in view of the same defendant no.5 is deemed to have been served on 11.03.2025. Further perusal of record shows that the defendant no.5 filed the written statement vide diary no.4254978 on 01.07.2025 which was returned under objection. Record also reflects that the defendant no.5 re-filed the written statement on 27.10.2025 along with the captioned IA.
8. Record suggests that the defendant no.5 filed the written statement for the first time on 01.07.2025 (which was returned under objection), that is, after the delay of around 111 days. Thereafter, the defendant no.5 re-filed the written statement on 05.08.2025, which again returned under objection and finally removed the objections and filed the written statement on 27.10.2025. The defendant no.5/applicant was required to remove the objections within a week and place the written statement on record.
9. In view of the aforesaid facts and circumstances, it is evident that the defendant no.5 failed to file the written statement not only within the prescribed period of 30 days but also failed to remove the objections within a



week. However I am of the opinion that technical defects in filing of written statement were raised by the Registry and the same were to be removed by learned counsel for the defendant no.5 and if the written statement of defendant no.5 is not taken on record, it would affect the defence of defendant no.5. Accordingly, the captioned IAs allowed and delay in filing and re-filing the written statement is condoned subject to cost of Rs.10,000/- to be paid by defendant no.5 to learned counsel for the plaintiff. Written statement and affidavit of admission/denial of documents filed on behalf of defendant no.5 are taken on record.

- 10.Plaintiff shall file replication and affidavit of admission/denial of documents within four weeks with advance copy to the opposite side.
- 11.Both the IAs stand disposed of.

**MANISH SHARMA, (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**  
**DECEMBER 3, 2025/nk**