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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 385/2021

BHUSHAN KUMAR MANCHANDA

.....Plaintiff

Through: Mr. Nimish Chib, Adv. (joined
through VC)

Versus

RAJNI NARANG & ANR.

.....Defendants

Through: Mr. Achin Mittal, Mr. Aditya
Parmar & Mr. Mohak Sharma,
Adv. for D-3

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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09.05.2025

**IA 10724/2023 (Application u/O VIII Rule 1 CPC filed
by defendant no.3 for condonation of delay in filing
Written Statement)**

1. At this stage, learned counsel for the applicant/defendant no.3 has heavily relied on the judgment passed in ***“Bharat Singh Vs. Karan Singh and Others decided in CS(OS) 427/2022 on 03.02.2025 by Hon’ble Mr. Justice Subramonium Prasad of Hon’ble Delhi High Court”***. Relying on the same, learned counsel for the applicant submits that the Hon’ble Mr. Justice Subramonium Prasad has categorically laid down the preposition that the time spent by the parties in Mediation is liable to be excluded for counting the period of 120 days in filing Written Statement under Clause 4 of Chapter VII of Delhi High Court (Original Side) Rules. It is further

pointed out that the Hon’ble Delhi High Court has also taken note of the judgment passed in ***“Ms. Charu Agarwal***

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Vs. Mr. Alok Kalia & Ors., 2023/DHC/001454” and distinguished the same and also relied on the judgment filed by the applicant i.e. “**Telefonartie Bolaget L.M. Ericsson Vs. Lava International Ltd., 2015 SCC OnLine Del 13903**” while rendering the decision in case of **Bharat Singh (supra)**.

2. Learned counsel for the plaintiff submits that in view of the law laid down in **Bharat Singh (Supra)**, he has no objection, if the captioned IA is allowed.

3. Heard. In the present matter, the defendant no.3/applicant was impleaded vide order dated 06.09.2022. On the same day, the matter was referred to Delhi High Court Mediation & Conciliation Centre, which got concluded on 13.04.2023. The parties could not reach settlement in the Mediation Centre and accordingly the matter continued. The applicant/ defendant no.3 herein has filed Written Statement on 05.05.2023 i.e. within 30 days of conclusion of mediation proceedings. In view of aforesaid judgement i.e. **Bharat Singh (supra)**, the delay in filing Written Statement by defendant no.3 is condoned and the Written Statement alongwith Affidavit of Admission/Denial of the documents and documents are allowed to be taken on record. Accordingly, the captioned IA stands disposed of.

CS(OS) 385/2021

4. As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents and documents have been filed by defendant no.1 in the year

2021. As per submission of learned counsel for defendant no.3, the matter was later on compromised by plaintiff with



defendant no.1&2 in order to deceive the defendant no.3. The right of the plaintiff to file Replication alongwith Affidavit of Admission/Denial of the documents qua defendant no.1 was ordered to be closed vide order dated 27.01.2025.

5. Further, no Written Statement has been filed by defendant no.2 till date.

6. The Written Statement alongwith Affidavit of Admission/Denial of the documents and documents filed by defendant no.3 are allowed to be taken on record vide order of even date.

7. So, the plaintiff is directed to file Replication alongwith Affidavit of Admission/Denial of the documents within stipulated period as prescribed by law with copy to the opposite side.

8. The plaintiff has not deposited the cost of Rs.4000/- imposed vide order dated 11.03.2025 with Delhi High Court Legal Services Committee nor filed any application seeking impleadment of LRs of deceased defendant no.2 in terms of the order dated 11.03.2025. At this stage, learned counsel for the plaintiff submits that he has already filed the said impleadment application qua deceased defendant no.2 yesterday vide diary no.3286378/2025. However, no such application is on record. Learned counsel for the plaintiff is directed to take requisite steps to bring said impleadment application on record as per law. The plaintiff is also directed to deposit previous cost of Rs.4000/-, if already not deposited, with Delhi High Court Legal

Services Committee and file proof of cost with the registry.

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Re-notify the matter for completion of pleadings qua
defendant no.3/further proceedings on 01.09.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 9, 2025/ab

Click here to check corrigendum, if any

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