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

+ CS(OS) 399/2024

SHIVANI GOEL & ORS

.....Plaintiffs

Through: Mr. Mohit Chadha, Mr. Milind
Bhaskar and Mr. Ankit P.S, Advts.

versus

NITIN AGGARWAL & ANR.

....Defendants

Through: Mr. Prashant Kumar, Adv.
(through VC)

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

24.04.2026

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Proceedings are being conducted through hybrid mode.

**I.A.No.4215/2026 (u/S 151 CPC for condonation of delay
of 243 days in re-filing the written statement by
defendants)**

1. Ld. Counsel for the defendant argued that the written statement was filed through refiling on 24.03.2025. Thereafter, the matter was referred to Mediation Center. However the defendants came to know about the defects in filing the written statement only on 12.01.2026. Thereafter the counsel for defendants contacted the registry which suggested that an application for condonation of delay in refiling be filed. The delay in refiling the written statement is not intentional.
2. *Per contra*, Ld. Counsel for the plaintiff opposes the application on the ground that application is self contradictory. While in para 4, the Defendants have averred that they came to know about the objections as



raised by the registry only on 12.01.2026. However, in para 5 and 6, the Defendant's then attempts to justify prior non-filing of the application on the ground that the matter was referred to mediation twice and that certain matrimonial proceedings were initiated under section 9 of the Hindu Marriage Act 1955, and that due to such circumstances they could not file the present application within time. The stand taken in the two paragraphs is irreconcilable with their earlier plea and the two positions cannot co-exist. No sufficient reasons for condonation of delay in refiling the written statement have been put forth. Therefore, the application is liable to be dismissed.

3. I have gone through the records.
4. As per Rule 3 Chapter IV of Delhi High Court (OS) Rules, 2018, the defects in the pleadings have to be removed within 7 days at that time and 30 days in aggregate.
5. On 05.09.2024, the Hon'ble Court observed that the written statement and affidavit for admission/denial of documents filed by the defendants have been returned under objections and the counsel for the defendants was directed to take steps to place the same on record. Therefore, it cannot be said that the defendants came to know about the objections in filing the written statement only on 12.01.2026.
6. Inconsistent assertions unsupported by any evidence cannot form the basis of condonation in refiling the written statement.
7. I find no merits in the captioned IA. The same is dismissed.



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8. Today, an application for condonation of delay in refiling the written statement on behalf of the defendants is dismissed. The defence of defendants is struck off.
9. Pleadings are complete.
10. Re-notify the present matter before the Hon'ble Court for further directions on **19th May, 2026**.

**GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

APRIL 24, 2026/PU

Click here to check corrigendum, if any