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

+ CS(COMM) 457/2022, I.A. 12743/2022, I.A. 12744/2022, I.A. 6060/2023, I.A. 6500/2023, I.A. 46974/2024

MS VIDYA MANTRA EDUSYSTEM PVT LTDPlaintiff

Through: Ms. Perna Arora and Mr. Mohd. Umar, Advocates.

versus

MS ANSAL IT CITY PARKS LTDDefendant

Through: Mr. Anshuj Dhingra and Ms. Akansha Sharma, Advocates.

+ CS(COMM) 521/2022, I.A. 11985/2022, I.A. 11986/2022, I.A. 6061/2023, I.A. 46972/2024

MS VIDYA MANTRA EDUSYSTEM PVT LTDPlaintiff

Through: Ms. Perna Arora and Mr. Mohd. Umar, Advocates.

versus

MS ANSAL IT CITY PARKS LTDDefendant

Through: Mr. Anshuj Dhingra and Ms. Akansha Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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20.01.2026

O.A. 210/2024 in CS(COMM) 457/2022

O.A. 209/2024 in CS(COMM) 521/2022

1. The present chamber appeals under Rule 5 in Chapter II of the Delhi High Court (Original Side) Rules, 2018 read with Section 151 of the Code



of Civil Procedure, 1908, have been filed by Plaintiff against the Order dated 01.10.2024 passed by the learned Joint Registrar whereby the delay in filing and re-filing the written statement of the Defendant was condoned and the written statement of the Defendant was taken on record, subject to Cost of Rs.20,000/- to be paid to the Plaintiff.

2. Material on record indicates that the summons along with the complete Suit was served on the Defendant on 21.09.2022. Thereafter, the written statement was filed by the Defendant on 04.01.2023, without any supporting documents annexed thereto. It is stated that the said written statement was also not served upon the Plaintiff and the same was returned under objections by the Registry.

3. Counting from 21.09.2022, the maximum permissible period of 120 days, as provided in the Delhi High Court (Original Side) Rules, 2018 for filing the written statement expired on 19.01.2023.

4. Material on record further indicates that Defendant served a copy of the written statement on the Plaintiff for the first time on 09.02.2023 and the written statement was re-filed on 10.02.2023 by the Defendant, but was again returned under objection by the Registry. The Defendant re-filed the written statement on 28.03.2023 along with an application for condonation of delay in re-filing the written statement, however, failed to file an application for condonation of delay in filing the written statement. The Defendant eventually filed an application for condonation of delay on 19.04.2023.

5. *Vide* the Impugned Order dated 01.10.2024 passed by the learned Joint Registrar, the delay in filing and re-filing the written statement was condoned and the written statement of the Defendant was taken on record,



subject to Cost of Rs.20,000/- to be paid to the Plaintiff. This Order passed by the learned Joint Registrar is under challenge in the present appeals.

6. It is stated by the learned Counsel for the Plaintiff that it is an undisputed fact that the number of pages increased significantly from initial filing as compared to the re-filed version of the written statement. Accordingly, it is contended that the written statement as served upon the Plaintiff on 09.02.2023 cannot be considered as the same written statement that was filed on 04.01.2023, as the written statement filed on 09.02.2023 is beyond the maximum permissible period prescribed under the Delhi High Court (Original Side) Rules, 2018. It is, therefore, submitted that the written statement filed on 09.02.2023 is a *non-est* filing and the written statement filed on 04.01.2023 is a dummy written statement, as it did not fulfill all requirements of law, was not filed in compliance with the directions/orders passed by this Court earlier in the proceedings and was not even served on the Plaintiff.

7. After some arguments, learned Counsel appearing for the Defendant states that they are inclined to retain the written statement filed on 04.01.2023 which was filed within the statutory period of 120 days as provided in the Delhi High Court (Original Side) Rules, 2018. Liberty is, however, prayed for by the learned Counsel for the Defendant to file an application to bring on record additional documents.

8. In view of the above, the Impugned Order dated 01.10.2024 passed by the learned Joint Registrar is modified, to the extent that the written statement filed by the Defendant on 04.01.2023 be taken on record.

9. It is always open for the Defendant to move an appropriate application for bringing on record additional documents, which will be



considered on its own merits.

10. A replication has been filed by the Plaintiff in response to the amended written statement filed by the Defendant on 09.02.2023. In view of the modification of the Impugned Order dated 01.10.2024, liberty is granted to the Plaintiff either to file an application for amending the replication or file a fresh replication, with the limitation period commencing from the date of upload of this Order.

11. The appeals are disposed of in the above terms.

I.A. 1399/2026 in CS(COMM) 521/2022

1. This application under Section 151 of CPC has been filed on behalf of the Plaintiff seeking directions to the Registry to place on record the original written statement filed by the Defendant on 04.01.2023.

2. The Registry is directed to place on record the written statement filed by the Defendant on 04.01.2023.

3. The application is disposed of.

CS(COMM) 457/2022, I.A. 12743/2022, I.A. 12744/2022, I.A. 6060/2023, I.A. 6500/2023, I.A. 46974/2024

CS(COMM) 521/2022, I.A. 11985/2022, I.A. 11986/2022, I.A. 6061/2023, I.A. 46972/2024

List before the Ld. Joint Registrar on 16.02.2026.

SUBRAMONIUM PRASAD, J

JANUARY 20, 2026

S. Zakir