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

+ CS(OS) 453/2021, I.A. 8739/2025 & I.A. 8740/2025

MR. SAHIL VIRMANI & ANR.

.....Plaintiffs

Through: None.

versus

MR. KARAN GAMBHIR & ORS.

.....Defendants

Through: Mr. Thakur Ankit Singh, Adv. for D-1.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 04.04.2025

O.A. 63/2025 (filed on behalf of defendant No.1 challenging the impugned order)

1. The instant appeal has been filed by defendant no.1, challenging the order dated 16.07.2024 passed by the concerned Joint Registrar.
2. A perusal of the order dated 16.07.2204 indicates that the defendants filed the written statement on 02.09.2023. However, the same was lying under objections as on 16.07.2024.
3. A further perusal of the order dated 02.04.2024 would indicate that the matter was earlier taken up before the learned Joint Registrar. *Vide* the said proceedings dated 02.04.2024, the last and final opportunity was granted to defendant no.1 for removing the objections within two weeks therefrom, and a cost of Rs.5,000/- was also imposed, which was to be deposited in the Delhi High Court Legal Services Committee.
4. Despite the same, it is seen that the objections were not removed.



Even the cost so imposed, was not deposited by the said defendant. Furthermore, on the said date, none had appeared on behalf of defendant no.1 to offer an explanation. Under the aforesaid circumstances, the concerned Joint Registrar, by the impugned order, has noted that the cause of not filing the cured written statement within limitation has not been sufficiently explained and, therefore, the right of defendant no.1 to file the written statement was ordered to be forfeited.

5. On perusal of the reasoning given by the concerned Joint Registrar, *prima facie*, this Court does not find any reason to interfere into the same.

6. Learned counsel appearing for defendant no.1, however, contends that the earlier counsel did not timely inform the concerned party and, therefore, only on account of the counsel, the party should not suffer.

7. At this stage, learned counsel appearing for defendant no.1 further submits that the written statement may be taken on record while imposing reasonable cost.

8. Taking into consideration the aforesaid submissions, the Court deems it appropriate to direct for issuance of notice to the plaintiff on the instant appeal.

9. On defendant No.1 taking necessary steps, let notice be issued to the plaintiffs through all permissible modes, returnable on 06.05.2025.

PURUSHAINDR KUMAR KAURAV, J

APRIL 04, 2025/P/SP

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