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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 453/2021, I.A. 12395/2021, I.A. 12398/2021, I.A. 8739-8740/2025 and O.A. 63/2025**

MR. SAHIL VIRMANI & ANR.Plaintiffs

Through:

versus

MR. KARAN GAMBHIR & ORS.Defendants

Through: Mr.Thakur Ankit Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **27.08.2025**

I.A. 8740/2025 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

I.A. 8739/2025 (Condonation of delay)

1. Having heard learned counsel for the appellant/defendant no.1 and for the reasons stated in the application, the same stands allowed. The delay of 237 days in filing the appeal stands condoned.
2. The application stands disposed of.

O.A. 63/2025

1. The Court, *vide* order dated 04.04.2025 has considered the instant chamber appeal and has made following observations:-

“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.”

2. The reply to the instant chamber appeal appears to have been filed by the plaintiffs. However, the same is not available in the digital record of the Court.

3. Learned counsel for the plaintiffs may assist the Registry to get the same placed in the digital record of the Court.

4. The instant chamber appeal is strongly opposed by learned counsel for the plaintiffs. Written statement was already filed within limitation which



unfortunately remained under defects. The circumstances have been explained for not timely rectifying the defects. The suit is essentially for partition and other reliefs. Under these facts and situation is OA stands allowed.

6. Let a fresh copy of the written statement dated 02.09.2023 be furnished to learned counsel for the plaintiffs by the defendants within a period of seven (7) working days from today.

7. On the receipt of the written statement, the plaintiffs shall be at liberty to file replications to the said written statement.

8. The order is however, subject to payment of costs of Rs.25,000/-, besides the payment of costs which has already been imposed *vide* order dated 02.04.2024 by the Joint Registrar (Judicial) which was to be deposited in Delhi High Court Legal Services Committee.

9. Let the cumulative costs of Rs.30,000/- be deposited within a period of seven (7) working days from today of which a sum of Rs.25,000/- be paid to the plaintiffs and a sum of Rs.5,000/- be deposited in Delhi High Court Legal Services Committee.

10. Let the matter be listed before the concerned Joint Registrar for taking up necessary further steps in accordance with extant rules on 13.10.2025.

11. Thereafter, list before the Court on the date to be fixed by the concerned Joint Registrar.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 27, 2025

Nc/sph