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

+ **CS(OS) 326/2025**

MS. SEEMA SHARMA & ORS.Plaintiffs

Through: Mr. Lakshay Yadav, Ms.Katyayani
Vajpayee and Mr.Nishant Walia,
Adv.

versus

MRS. KUSUM LATA & ORS.Defendants

Through: Mr. Akhil Mittal, Adv. for D-1
with D-1 in person (M:
9212504099)
Ms. Navita Gupta, Adv. for D-2.
Mr. Prasad Hegde, Adv. for D-3
(M: 7490886627)
Mr. Lokesh Baimad, Mr. Yash
Arya and Ms. Jyoti B., Adv. for
D-4 (through VC).
Mr. Mayank Sharma, Adv. for D-5
(M: 9501454808) (through VC)
None for D-7.
Mr. Mayank Sharma, Adv. for D-9
(M:9501454808)(through VC)

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)

ORDER

28.04.2026

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Proceedings are being conducted through hybrid mode.

I.A.No.2513/2026 (by D-4 u/S 5 of limitation Act r/w
Section 151 CPC for condonation of delay in filing
written statement)

1. As per office noting, reply has been filed on behalf of plaintiff vide diary no. 108378/2026 which is lying under objections.
2. Ld. Counsel for plaintiff submits that it is lying under objections because there is delay of 12 days in filing the reply.



3. Heard. Considering the submissions, the delay in filing the reply on behalf of plaintiff is condoned. Let appropriate steps be taken for bringing the reply on record.
4. Registry is directed to take the reply on record if it is complete in all other aspects.
5. Admittedly, the written statement has been filed beyond 120 days on behalf of defendant no. 4.
6. Rule 4 of Chapter VII of Delhi High Court (original Side) Rules, 2018 provides that the period for filing the written statement could be extended by a further period not exceeding 90 days if it could not be filed within initial 30 days, but not thereafter. Therefore, the delay beyond 120 days in filing written statement cannot be condoned. Thus, the captioned IA is dismissed.

I.A.No.26865/2025 (by D-3 u/O I Rule 10(2) r/w Section 151 CPC for transposition from defendant no. 3 to plaintiff no. 5)

7. Ld. Counsel for the plaintiff and defendant nos. 1 & 2 submits that they have no objections to the captioned IA.
8. It is settled law that plaintiff is *dominus litis*. It is plaintiff's fundamental right to control his own suit, including choosing who to sue, what relief to seek.
9. Considering the submissions, the defendant no.3 is transposed as plaintiff no.5.
10. The captioned IA is disposed off accordingly.
11. Plaintiff is directed to file amended memo of parties before next date of hearing.

CS(OS) 326/2025

12. Pleading qua defendant nos. 1, 2, 3 & 5 are complete.
13. Right of defendant no. 6 to file written statement has



already been closed.

14. Today, the application for condonation of delay in filing the written statement on behalf of defendant no. 4 has been dismissed.
15. Defendant no. 7 has also failed to file the written statement within the stipulated time.
16. None has appeared on behalf of defendant no.7. Therefore, right of defendant no.7 to file written statement and affidavit for admission/denial of documents stands closed.
17. Pleadings are complete.
18. Let Joint Document Schedule including hard copy of the same be filed at least two weeks before the next date.
19. Both the parties shall file hard copies of their documents at least two weeks before the next date.
20. Re-notify the present matter for admission/denial of documents on **29th May, 2026**.

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

APRIL 28, 2026/PU

Click here to check corrigendum, if any