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

CNR No. DLHC010328472025

+ **CS(OS) 339/2025**

MONIKA SHOKEEN & ORS.

.....Plaintiffs

Through: Mr. Ravin Rao, Mr. Pallav Gupta, Mr. Akshit Sawal, Mr. Ayan Sharma, Mr. Nikhil Rana, Mr. Ayush Kumar and Ms. Palak Jerath, Advs.

versus

BRAHM PRAKASH & ORS.

.....Defendants

Through: Mr. Ashutosh Rana, Adv. for D-3, 4 and 5.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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06.08.2026

IA No.21034/2026 (Exemption from filing certified copies of impugned order)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

IA No.21035/2026 (seeking condonation of delay of 06 days in filing Chamber Appeal)

3. This is an application filed on behalf of defendant nos.3 to 5 seeking condonation of delay of 06 days in re-filing the Chamber Appeal.
4. Considering the averments made in the application, the same is allowed; the delay of 06 days in re-filing the Chamber Appeal stands condoned.
5. The application stands disposed of.

O.A. 210/2026 (on behalf of D-3, 4 and 5 against order dated 03.07.2026)



6. The present chamber appeal [under Chapter II Rule 5 of the Delhi High Court (Original Side) Rules, 2018] assails an order dated 03.07.2026, passed by the learned Joint Registrar.

7. By way of the said impugned order, learned Joint Registrar has held that the written statement filed by defendant nos.3, 4 and 5 be not taken on record on the ground that the same was not filed within the stipulated time and also that it was not accompanied by an affidavit of admission-denial in the prescribed format. The said order dated 03.07.2026 reads as under:

“As per office noting for today, the Written Statement filed on behalf of defendant no. 3 to 5 had been returned under objection as the same had not been filed within stipulated time and also without affidavit of admission/denial in the prescribed format.

In these circumstances, the Written Statement of defendant no. 3 to 5 cannot be taken on record and the same is accordingly discarded.

Ld. Counsel for defendant no. 6 to 10 states that they have been engaged by these defendants only in the morning today. Let the Written Statement if any be filed on behalf of defendant no. 6 to 10 within the period of limitation alongwith vakalatnama.

Ld. Counsel for plaintiff is directed to file a chart as to which defendants have filed Written Statement as also the status qua other defendants.

Be fixed for completion of pleadings on 07.10.2026.”

8. Learned counsel for the appellant (defendant nos.3 to 5) submits that the said defendants received notice of the instant suit on 02.08.2025 and promptly filed their written statement on 04.09.2025 vide Diary No.E-6395838/2025 together with a reply to the application under Order XXXIX Rule 1 and 2, which reply is already on record.

9. It is submitted that the written statement was filed within 33 days of the receipt of notice i.e. with a delay of merely 02 days beyond the period of 30 days prescribed under Order VIII Rule 1 CPC and well within the outer



limit of 120 days prescribed under Chapter VII Rule 4 of the Delhi High Court (Original Side) Rules, 2018.

10. *Vide* order dated 17.09.2025, this Court recorded that the written statement was under objections and directed the counsel for defendant nos.3 to 5 to remove the objections. Thereafter, the written statement was re-filed *vide* diary No.E-6395838/2025.

11. It is submitted that the defendant nos.3 to 5 made continuous and diligent efforts to bring the affidavit of admission-denial into strict conformity with the prescribed format. It is submitted that any lapse in this regard was inadvertent. It is submitted that the impugned order directing the written statement of defendant nos.3 to 5 be discarded is quite and harsh and disproportionate, given the factual circumstances.

12. Learned counsel for the appellant (defendant nos.3 to 5) submits that the said defendants are ready to be subject to appropriate terms as a pre-condition for being allowed to bring their written statement on record. It is submitted that it would be in the interest of justice if the written statement is taken on record, given that the same was initially filed within a period of 33 days of the receipt of notice in the suit.

13. Issue notice.

14. Learned counsel, as aforesaid, accepts notice on behalf of the plaintiffs.

15. It is noticed that apart from the other facts and circumstances highlighted by learned counsel for defendant nos.3 to 5, that the pleadings in the matter are yet to be completed. Further, *vide* the very impugned order dated 03.07.2026, time was granted to the defendant nos.6 to 10 to file their written statement.



16. Considering the aforesaid facts and circumstances, the stage of the suit and the overall factual conspectus, this Court is inclined to allow the present appeal, especially taking into account that the appellants (defendant nos.3 to 5) are willing to be subject to appropriate terms as a pre-condition for its written statement to be taken on record.

17. Accordingly, the defendant nos.3 to 5 are permitted to bring their written statement on record, subject to the said defendants removing all objections in this regard within a period of one week from today. Further, the same shall be subject to costs of Rs.25,000/- payable to Delhi High Court Staff Welfare Fund.

18. The appeal stands disposed of in the above terms.

SACHIN DATTA, J

AUGUST 6, 2026/cl