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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 352/2025

SMT. SANTOSH DEVI & ORS.

.....Plaintiff

Through: Mr. Aashish Gumber, Adv.

versus

SH. SHIV CHARAN & ORS.

.....Defendant

Through: Mr. Pradeep Kumar, Adv. for D-
3 & 4 (appeared through VC)
Ms. Nitika Bhutani, Adv. for D-
12

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. SUMIT
DALAL**

ORDER

20.05.2026

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I.A.No.14223/2026 (under Section 5 of the Limitation Act r/w Section 151 CPC filed on behalf of defendant no.12 seeking condonation of delay in filing the written statement)

1. The matter is coming up before this Court on 23.07.2026.
2. File is taken up today on listing of the captioned IA.
3. This is an application filed on behalf of Defendant No. 12/Sub Registrar VI-A under Section 5 of the Limitation Act, 1963 read with Section 151 CPC seeking condonation of delay of 232 days in filing the written statement.
4. Notice of the application was accepted by learned counsel for the plaintiff. Learned counsel for the



plaintiff submits that no reply is proposed to be filed and that the plaintiff has no objection to the captioned application.

5. I have heard learned counsel for the parties and perused the application.
6. The case set up by Defendant No. 12 is that Defendant No. 12 is a Government body under the control of the Government of NCT of Delhi; that notice was accepted on 27.08.2025; that there was confusion as two panel counsel were marked in the same matter; that finally, after issuance of BTF in favour of Ms. Nitika Bhutani, Panel Counsel, GNCTD, it was confirmed that the matter stood assigned to her; that time was consumed in obtaining instructions and records from the department; that reorganisation of sub-divisions and transfer of officers also caused delay in tracing records; and that after tracing the records, the written statement was prepared and approvals from different administrative levels were obtained. It is stated that the delay is neither intentional nor deliberate.
7. At the outset, it is necessary to note the statutory framework applicable to suits on the Original Side of this Court. Under Rule 2 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018, where summons are for appearance and filing of written statement, the written statement is required to be filed within 30 days from the date of service or within the time otherwise provided by the applicable rules/statute. Rule 4 of Chapter VII further provides that where the Court is satisfied that the defendant was prevented by



sufficient cause for exceptional and unavoidable reasons from filing the written statement within 30 days, time may be extended by a further period not exceeding 90 days, **but not thereafter**. The said Rule further provides that if no written statement is filed within the extended time also, the Registrar may pass orders closing the right to file the written statement.

8. Thus, the total maximum period available for filing the written statement on the Original Side of this Court is 120 days from the date of service. The language of Rule 4 is peremptory. The expression “*but not thereafter*” leaves no discretion to condone delay beyond the outer limit prescribed therein.
9. The legal position is now settled by the judgments of the Hon’ble High Court of Delhi, including **Ram Sarup Lugani v. Nirmal Lugani, 2020 SCC OnLine Del 1353; Charu Agrawal v. Alok Kalia & Ors., 2023 SCC OnLine Del 1238; Manhar Sabharwal v. High Court of Delhi & Ors., 2024:DHC:6406;** and the subsequent orders following the said view, that Rule 4 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018 is mandatory and that delay beyond the maximum period prescribed thereunder cannot be condoned.
10. In the present case, Defendant No. 12 itself admits that service/notice was accepted on 27.08.2025. It is further the applicant’s own case that the initial period of 30 days expired on 27.09.2025 and that the outer period of 120 days expired on 26.12.2025. The present application is dated 16.05.2026 and the written statement is sought to be filed much beyond the



maximum permissible period of 120 days.

11. Once the written statement is filed beyond the outer limit prescribed under Rule 4 of Chapter VII, this Court/Registrar has no power to enlarge the time any further. The reasons stated in the application, namely, confusion between panel counsel, issuance of BTF, tracing of records, departmental reorganisation, transfers of officers and administrative approvals, even if taken at their highest, cannot confer jurisdiction upon this Court to extend the period beyond the statutory outer limit.
12. The submission of learned counsel for the plaintiff that the plaintiff has no objection to the application has also been considered. However, consent or no objection of the opposite party cannot override a mandatory rule of procedure where the Court itself lacks power to extend time beyond the prescribed outer limit. There can be no waiver or consent against a statutory bar. Therefore, the plaintiff's no objection cannot be treated as a ground to take the written statement on record.
13. The application has been filed under Section 5 of the Limitation Act read with Section 151 CPC. However, where the field is specifically governed by Chapter VII Rule 4 of the Delhi High Court (Original Side) Rules, 2018, neither Section 5 of the Limitation Act nor the inherent powers under Section 151 CPC can be invoked to defeat or dilute the express mandate of the said Rule.
14. Accordingly, I.A. No. 14223/2026 is dismissed.
15. Consequently, the written statement filed on behalf of Defendant No. 12 is not taken on record. The right of



Defendant No. 12 to file written statement stands closed.

16.The application stands disposed of accordingly.

SUMIT DALAL
JOINT REGISTRAR (JUDICIAL)

MAY 20, 2026/nk