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

+ CS(OS) 367/2025 and IA Nos.6348/2024, 44679/2024, 45832/2024, 17403/2025, 26324/2025, 26325/2025, 28541/2025,12098/2026

SHRI VIJAY TANEJAPlaintiff

Through: Mr. Deepak Tyagi, Mr. Ishaan Seth
and Mr. Pranav Negi, Advocates.

versus

SHRI YOGESH TANEJADefendant

Through: Mr. Anshul Sharma, Mr. Divyam
Garg and Mr. Abhishek, Advocates.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **23.07.2026**

O.A. 61/2026 (Under Order II Rule 5 of the Delhi High Court (Original Side) Rules, 2018 against the order dated 20.01.2026) & **IA No.7637/2026** (seeking condonation of delay of 41 days in filing chamber appeal)

1. The present chamber appeal has been filed by the defendant against the order dated 20.01.2026 passed by the learned Joint Registrar (Judicial), whereby, the right of the appellant / defendant to file written statement was closed and costs were imposed upon the appellant / defendant in relation to filing of replies to the pending applications.
2. Admittedly, the present suit was initially filed as a commercial suit. However, an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 came to be filed by the defendant, raising an objection thereto and raising a plea that the matter does not fall in the category of a commercial dispute.
3. *Vide* order dated 05.05.2025, this Court allowed the said application



and directed that the present suit be registered as an ordinary Civil Suit.

4. Admittedly, the appellant / defendant did not file its written statement even thereafter, within the outer limit of 120 days, even if the same is reckoned from 05.05.2025 (although the service had been effected on 31.08.2024).

5. In the above conspectus, the learned Joint Registrar (Judicial), *vide* order dated 20.01.2026, taking note of the fact that the order dated 07.11.2024 records that the defendant had been served and noting the defendant / appellant's continued failure to file the written statement, directed that the right of the defendant to file written statement stands closed.

6. In the opinion of this Court, the view taken by the learned Joint Registrar (Judicial) is consistent with the judgment of this Court in ***Ms. Charu Agarwal vs. Mr. Alok Kalia & Ors.***, 2023/DHC/001454, wherein, it has been categorically laid down that the time period cannot be extended beyond the outer limit of 120 days from the date of service.

7. In the present case, even assuming that there existed some ambiguity on account of the defendant's objections as regards the nature of the suit, after the order dated 05.05.2025 was passed, there was no impediment to the defendant filing its written statement.

8. In the circumstances, no ground is made out to interfere with the view taken by the Joint Registrar (Judicial) on this count.

9. Likewise, the view taken by the learned Joint Registrar (Judicial) to impose costs while granting last opportunity to file reply was well within the realm / discretion of the Joint Registrar and no exception can be taken thereto.



10. In the circumstances, no merit is found in the present appeal; the same is, consequently, dismissed.

11. In view of the aforesaid, IA No. 7637/2026 also stands disposed of.

CS(OS) 367/2025 and IA Nos.6348/2024, 44679/2024, 45832/2024, 17403/2025, 26324/2025, 26325/2025, 28541/2025, 12098/2026

12. List before the Joint Registrar (Judicial) on 22.09.2026.

13. List before Court on 02.12.2026.

SACHIN DATTA, J

JULY 23, 2026

r, ss