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

+ **CS(OS) 406/2025**

GOPAL MUKHERJEE

.....Plaintiff

Through: Mr. Aman Gupta, Mr. Divyam
Kandhari and Mr. Anup Kashyap,
Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.....Defendants

Through: Mr. Tushar Sannu, SC with Mr.
Priyankar Tiwary and Ms. Shaoni
Das, Advs. for D-1.
Mr. Aman Varma, Ms. Riya Wasade
and Mr. Minal, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.04.2026

I.A. 12176/2026 (under Section 5 of Limitation Act read with Section 151 CPC by applicant/defendant no.1 seeking condonation of delay in filing Chamber Appeal)

1. For the reasons mentioned in the application, the delay is condoned.
2. The application stands disposed of.

O.A. 106/2026 (under Chapter V Rule 5 of Delhi High Court (Original Side) Rules, 2018)

3. The present OA has been filed by the defendant no.1/MCD against the order dated 10.02.2026 passed by the learned Joint Registrar whereby the right of defendant no.1 to file written statement was closed and defence was struck off.



4. Mr. Tushar Sannu, learned Standing Counsel appearing on behalf of applicant/defendant no.1 submits that along with the summons, complete set of the paper book had not been supplied. Therefore, a prayer was made by the learned counsel for the defendant no.1 before the learned Joint Registrar for supply of complete set of paper book.

5. Accordingly, learned Joint Registrar *vide* order dated 14.10.2025 had directed the learned counsel for the plaintiff to supply the complete set of documents to learned counsel for the defendant no.1.

6. He submits that the said complete set was supplied to the counsel for defendant no.1 only on 16.10.2025, however, the learned Joint Registrar *vide* order dated 10.02.2026 closed the right of defendant no.1 to file written statement.

7. He submits that the condonable period of 90 days would have expired on 13.02.2026, whereas prior thereto, the right of the defendant no.1 to file written statement was closed.

8. In view of the above, issue notice. Mr. Aman Gupta, learned counsel appearing on behalf of plaintiff accepts notice.

9. He submits that he has no objection in case the delay is condoned.

10. This Court finds that the delay is within the condonable period of 90 days.

11. Accordingly, OA is allowed and the impugned order dated 10.02.2026 of the learned Joint Registrar is set aside.

12. The OA stands disposed of.

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13. Let written statement be filed by the defendant no.1 in accordance with law.



14. Replication thereto, be filed within a period prescribed under law.
15. List before learned Joint Registrar for completion of pleadings on the date already fixed i.e. 21.05.2026.

VIKAS MAHAJAN, J

APRIL 30, 2026
N.S. ASWAL