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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 665/2022
BASANT KUMAR JAIN

.....Plaintiff

Through: Mr. Sudhir Naagar and
Mr. Piyush Aggarwal,
Advocates.

versus

ANUJA HOODA JAIN & ANR.

.....Defendants

Through: Mr. Harish, Advocate for
D1 along with D1.
D2/Mr. Gaurav Kumar
Jain in person.

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. DEEPAK
DABAS (DHJS)

ORDER
14.10.2025

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IA No. 23184/2023 filed by defendant no.1 u/s 151 CPC
seeking condonation of delay in filing the written
statement.

1. Pleadings qua captioned IA are stated to be complete.
2. Arguments on captioned IA heard.
3. Counsel for defendant no. 1/applicant submits that summons of the present suit were served upon defendant no. 1 on 02.02.2023. Written statement was filed by defendant no.1 on 02.09.2023. It is further submitted that on 09.03.2023 plaintiff had expired and an application for substitution of LRs was filed on 01.08.2023. It is further submitted that defendant no. 1 was under the impression that D2 will be impleaded as



LR of deceased plaintiff as D2 is the son of deceased plaintiff and thereafter, the pleadings will be amended. It is further submitted that on filing of an application u/O XXII Rule 3 CPC, defendant no. 1 came to know that deceased plaintiff/Mr. Basant Kumar Jain had executed one Will in favour of his wife i.e. Ms. Suman Jain/present plaintiff. It is further submitted that defendant no. 1 had given no objection to said application u/O XXII Rule 3 CPC and said application was allowed.

4. On the other hand, counsel for plaintiff submits that it is not in dispute that summon was served upon defendant no. 1 on 02.02.2023 personally. The thirty days period had expired on 04.03.2023 and on that day the plaintiff/Mr. Basant Kumar Jain was still alive. It is further submitted that the captioned IA is without merits and the same is liable to be dismissed as the written statement has been filed by defendant no. 1 after expiry of more than six months from the date of service of summons.
5. I have duly considered the rival submissions.
6. I have perused the record carefully.
7. Chapter VII Rule 4 of The Delhi High Court (Original Side) Rules, 2018 deals with extension of time for filing written statement. The said rule postulates that if the court is satisfied that the defendant was prevented by sufficient cause for exceptional and unavoidable reasons in filing the written statement within thirty days, it may extend the time for filing the same by a



- further period not exceeding 90 days, but not thereafter.
8. Thus, Chapter VII Rule 4 of The Delhi High Court (Original Side) Rules, 2018 mandates that the maximum time which can be granted to defendant for filing written statement is 120 days.
 9. In the present matter, defendant no.1 has not filed her written statement within 120 days and the same has been filed after more than 200 days of service of summons upon her.
 10. The reasons mentioned by defendant no.1 in captioned IA for non-filing of written statement within stipulated time are neither sufficient nor exceptional and unavoidable.
 11. Keeping in view the totality of facts and circumstances, I find no merits in captioned IA.
 12. The same is hereby dismissed and disposed of accordingly.
 13. Re-notify on 28.11.2025 for further proceedings as per law.

**DEEPAK DABAS (DHJS),
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 14, 2025/anj