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

I.A. 32400/2025 & O.A. 241/2025

IN

+ CS(OS) 665/2022

BASANT KUMAR JAIN

.....Plaintiff

Through: Mr. Sudhir Naagar, Mr. Manohar Naagar, Mr. Bhanu Sonariya and Mr. Aditya Chauhan, Adv.

versus

ANUJA HOODA JAIN & ANR.

.....Defendants

Through: Ms. Risha Dixit, Adv. for D-1.
Mr. Gaurav Kumar Jain, D-2 in person

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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22.12.2025

I.A. 32400/2025 (seeking exemption from filing certified copies)

1. Allowed, subject to the appellant filing certified copies of documents within four (4) weeks from today.
2. The application stands disposed of.

O.A. 241/2025

3. The present Chamber Appeal has been filed on behalf of defendant no.1 against the impugned order dated 14th October, 2025 passed by the Joint Registrar dismissing the application filed on behalf of defendant no.1 seeking condonation of delay in filing the written statement being I.A. 23184/2023.



4. I have heard the counsel for the parties.
5. Briefly stated, the present suit was instituted by the plaintiff against his daughter-in-law being defendant no.1. Defendant no.2 is the son of the plaintiff. Summons were served on the defendant no.1 on 2nd February, 2023.
6. The original plaintiff, being the father-in-law of defendant no.1, expired on 9th March, 2023. Subsequently, the mother-in-law of defendant no.1 was substituted as the legal representative of the plaintiff. Pertinently, no application to amend the plaint was filed on behalf of the plaintiff, which the defendant no.1 was anticipating.
7. In these circumstances, defendant no.1 filed her written statement on 2nd September, 2023 and on 27th September, 2023, filed an application I.A. 23184/2023 seeking condonation of delay in filing the written statement.
8. It is stated in the application that the delay was on account of the death of the original plaintiff and the pendency of the impleadment application.
9. In these circumstances, in my view, the 120 days' limitation for filing written statement cannot be applied to the facts and circumstances of the case.
10. Defendant no.1 had a valid concern after the death of the original plaintiff that in view of the pending substitution, the plaint would be amended and there was uncertainty in her mind.
11. In my considered view, the period after the death of the original plaintiff and the time consumed during the substitution of the legal representative of the original plaintiff should not be counted for the purposes of limitation.



12. Accordingly, the present appeal is allowed and the impugned order dated 14th October, 2025 is set aside.

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13. In view of the order passed above, the written statement by defendant no.1 is permitted to be taken on record.

14. Replication to the written statement be filed within thirty (30) days.

15. List before the Joint Registrar on 16th January, 2026, the date already fixed, for competition of pleadings and admission/denial of documents.

16. List before the Court on 28th April, 2026.

AMIT BANSAL, J

DECEMBER 22, 2025

Vivek/-