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

+ CS(OS) 643/2023

SUNITA JAIN

.....Plaintiff

Through: Ms. Rity Chhabra, Adv.

versus

MALA DEVI JAIN & ORS.

.....Defendants

Through: Ms. Rashi Bansal, Adv. (Through VC) with Mr. Vishwajeet Dubey, Adv. proxy counsel for D1, 3 & 5

Mr. Vishal Choubey, Adv. for D2 (Through VC)

Mr. Shantnu Aggarwal, Adv. for D4 (M: 9999347367)

Mr. Subhan Shankar Gogoi, Adv. for D6 & 7 (Through VC)

**CORAM:**

**DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)**

**ORDER**

% **20.11.2024**

**I.A. No. 9921/2024(by defendant no. 1, 3 & 5 for condonation of delay in filing the written statement) & I.A. No. 9949/2024(by defendant no. 1, 3 & 5 for condonation of delay in re-filing the written statement)**

1. Replies have already been filed. No rejoinder is to be filed.
2. Arguments heard.
3. I have considered the submissions of both the parties and perused the records. As clarified in previous order and further not disputed that the service was effected on 24.11.2023 and thereafter written statement was initially filed on 29.02.2024 i.e. after about 96 days from service. Therefore, it was filed beyond the initial period of 30 days but within the extendable period of 120 days.
4. As per case history, the objections were raised by Registry on



29.02.2024. As per Chapter IV Rule 3 of the Delhi High Court (Original Side) Rules, the pleadings are to be re-filed after the removal of objections within 7 days at a time extendable up to 30 days in aggregate. However, the objections were not removed within the aforesaid period of 30 days but same were removed and re-filed only on 15.04.2024 i.e. beyond the period of 30 days and accordingly, application for condonation of delay in re-filing is moved as per Rule 3(c) Chapter IV of Delhi High Court (Original Side) Rules.

5. Keeping in view the entire facts and circumstances, it appears that it would be appropriate if the delay is condoned in filing and re-filing the written statement. Accordingly, the same stands condoned subject to a cost of Rs. 3,000/- to be given to the opposite party, on sharing the necessary particulars.

6. Both the captioned IAs are accordingly allowed and **disposed of**. The written statement on behalf of defendant no. 1, 3 & 5 be accordingly taken on record.

**I.A. No. 36608/2024(by defendant no. 2 for condonation of delay in filing the written statement)**

7. Reply has already been filed. No rejoinder is to be filed.

8. Arguments heard.

9. I have considered the submissions of both the parties and perused the records. It is admitted fact on behalf of the applicant that written statement has been filed with a delay of 129 days. As per Delhi High Court (Original Side) Rules, the written statement has to be filed within the period of 30 days extendable up to 120 days. Therefore, in this case, written statement has not been filed even within the extendable period.



10. Further, the reasons mentioned for delay in the applications are that the record of the matter is very old one and that the certain documents required for the present case were in the possession of son of the applicant who resides outside Delhi for a considerable period of time. It appears that the reasons are vague and baseless. Keeping in view the facts and circumstances, it is concluded that present application is without any merit and same stands dismissed and **disposed of**.

11. Right to file written statement on behalf of defendant no. 2 stands closed.

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12. Defendant no. 4 has paid the cost today. Accordingly, his written statement is taken on record.

13. Written statement on behalf of defendant no. 6 & 7 not filed.

14. Put up for completion of pleadings in accordance with law and thereafter for completion of process of filing of Joint Document Schedule in terms of **Rule 7A of Chapter VII of The Delhi High Court (Original Side) Rules, 2018** physically by plaintiff after getting it signed from defendants, admission / denial of documents and marking of Exhibits in accordance with law on 25.03.2025.

15. Documents, if e-filed be filed physically by parties so as to mark the Exhibits.

**DR. JAGMINDER SINGH (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**

**NOVEMBER 20, 2024/sms**

*Click here to check corrigendum, if any*