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

+ **CS(OS) 664/2023 & I.A. 20751/2023**

ANOOP SINGH YADAV & ORS.Plaintiffs

Through: Mr. Mohit Mudgal, Advocate
Chetanaya Baneja, Advocate (Proxy
Counsel)

versus

MANGE RAM & ORS.Defendants

Through: Mr. Vikas Yadav, Adv. for D-1
Mr. Sandeep Yadav, Adv, for D-2 to
D-7
Mr. Varun Mudgil, Ms. Eti
Kushwaha, Mr. Harsh Sharma,
Mr. Vijay Kumar & Mr. Rakesh
Kumar, Advs. for D-8 to 10

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER
18.02.2025

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I.A. 39978/2024 (for condonation of delay)

1. In view of facts and circumstances as mentioned in the application, delay of 31 days in filing O.A. 162/2024 stands condoned.
2. Application stands disposed of.

O.A. 162/2024

3. This chamber appeal assails impugned order dated 23rd July 2024, passed by the Joint Registrar (Judicial), closing right of defendant no.1 from filing their written statement.
4. Even as per the impugned order, it is noted that affidavit of service filed by plaintiff shows that summons were served on 22nd October 2023. The Joint Registrar (Judicial) notes that “Admittedly, the Written Statement



was first time filed by defendant no.1/applicant on 03.12.2023.”.

5. The Joint Registrar (Judicial) proceeds on the point that it was filed beyond the statutory period of 30 days, that too without an application seeking condonation of delay.

6. It is also noted that the e-log reflects that objection to the first filed written statement was only related to process fee, and index pagination not being done. In no circumstance does the impugned order suggest or reason out that this was substantially *non-est* filing.

7. As regards delay of *106 days* in re-filing, explanation given by counsel for defendant no.1 that the case file was misplaced because of renovation work of *Lawyers’ Chamber Block at Dwarka Courts Complex*, in the opinion of this Court, seems plausible and sufficient. The photographs of renovation have also been placed on record.

8. The appeal is accordingly allowed; written statement along with affidavit of admission/denial and documents be taken on record.

9. This appeal stands disposed of accordingly.

CS(OS) 664/2023

1. List before the Joint Registrar (Judicial) for admission/denial of documents on 28th March 2025.

2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 18, 2025/sm/bp