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THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 567/2024

MR VISHAL GUPTA

.....Plaintiff

Through: Mr. Gaurav Kumar Pandey, Adv.
(through VC).

Versus

SMT RADHA AGGARWAL & ORS.Defendants

Through: Ms. Kriti Gupta, Adv. for D-1, 2
and 6.

None for D-4.

Ms. Sunila Choudhary, Advocate
for D-3 & 5 (through VC).

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

12.08.2025

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Proceedings are being conducted through hybrid mode.

**I.A. No.42038/2024 (by D-1, 2 & 6 u/O XXXIX Rule 4 of
CPC)**

**I.A. No. 3938/2025 (by plaintiff u/O XXXIX Rules 1 & 2
of CPC) &**

**I.A. No. 9378/2025 (by plaintiff u/O XXXIX Rule 2-A of
CPC)**

1. It is submitted that the captioned IAs are coming up for
hearing before the Hon'ble Court on 11.09.2025.

**I.A. No.41590/2024 (by D-1, 2 & 6 for condonation of
delay of 24 days in filing WS)**

2. Ld. Counsel for defendant nos.1, 2 & 6 argue that vide
order dated 23.07.2024 the defendants were directed to
file the written statement within 30 days. Copy of plaint
alongwith the said order was served upon the defendants
on 27.07.2023. Defendant no. 2 was not keeping well and
he was diagnosed with Pneumonia. Therefore, there is



delay of 24 days in filing the written statement which is not intentional. The same be condoned.

3. *Per contra*, ld. counsel for the plaintiff opposed the application on the ground that false submissions qua the illness of defendant no. 2 on 20.09.2024 are false because in the entire month of August, 2024, defendant no. 2 have been raising illegal constructions and the employee of plaintiff. The video in this regard have been placed on record. No medical document has been placed on record in support of the submission made in the application. The defendants have failed to explain satisfactory reasons for condonation of delay in filing the written statement. Therefore the captioned IA is liable to be dismissed.
4. Heard. I have gone through the record.
5. It is settled law that technicalities of law should not come in the way of justice and endeavour of court should be to decide the lis on merits. Hence, considering the submissions made in the application, the delay of 24 days in filing written statement and affidavit of admission/denial of documents on behalf of the defendant no. 1, 2 & 6 is condoned.
6. The captioned IA stands disposed off accordingly.

I.A. No. 33998/2024 (by plaintiff for stay) &

I.A. No. 33999/2024 (by plaintiff u/O XI r/w Section 151 CPC for discovery of documents)

7. Pleadings qua the captioned IAs are already complete.

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8. Perusal of record shows that written statement alongwith affidavit of admission/denial and documents were already filed on behalf of defendants no.1, 2 and 6. The same has



taken on record today.

9. Perusal of record further shows replication and affidavit of admission/denial of documents were already filed on behalf of plaintiff qua defendants no.1, 2 and 6.
- 10.As per office noting, written statement and affidavit of admission/denial of documents have been filed on behalf of defendant no.3 vide diary no.1878486/2025.
11. None has appeared on behalf of defendants no. 3 & 5. Though the defendant no. 5 have been served with court notice on 06.05.2025.
- 12.No written statement has been filed on behalf of defendant no. 5 till date. Therefore, right of defendant no. 5 to file the written statement stands closed.
- 13.The right of the defendant no.4 to file the written statement and affidavit of admission/denial of documents has already been closed on 16.04.2025.
- 14.Office noting further reveals that affidavit of admission/denial of documents filed vide diary no.480446/2025 has not come on record till date. Let needful in this regard be done.
- 15.Office noting further indicates that documents with list of documents have been filed on behalf of plaintiff vide dairy nos.1080106/2025 and 2422198/2025.
- 16.Let the pleadings be completed as per law.
- 17.Re-notify the matter for completion of pleadings and further proceedings on **13th November, 2025.**

GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)
AUGUST 12, 2025/PU

[Click here to check corrigendum, if any](#)