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

+ **CS(OS) 712/2022 & I.A. 18946/2022**

SUNITA MAHENDRA @ ANITA AND ORSPlaintiffs

Through: Mr. Kunal Bahri, Advocate

versus

VIKAS CHOPRA & ORSDefendants

Through: Mr. Akash Vajpai, Adv for D-1
Mr. Kapil Lalwani, Mr. Ranjit
Wadhwa, Mrs. Swastika Upadhyay,
Mrs. Neha Sehrawat, Advs for D-4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **19.02.2026**

O.A. 117/2024 & I.A. 34191/2024

1. The present Chamber Appeal under Rule 5 of Chapter II of the Delhi High Court (Original Side) Rules, 2018 has been filed by Defendant No.4 against the Order dated 20.11.2023 passed by the Ld. Joint Registrar rejecting the LA. No. 8943/2023 filed by Defendant No.4 seeking condonation of delay of 48 days in filing the written statement.

2. Rules 3 & 4 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018 [**“Delhi High Court Rules”**] prescribes the manner and period within which the Written Statement has to be filed. The said Rules reads as under:

“3. Affidavit of admission/ denial of documents alongwith written statement.- Alongwith the written statement, defendant shall also file an affidavit of admission/ denial of documents filed by the plaintiff, without which the

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written statement shall not be taken on record. Alongwith the written statement, the defendant shall be entitled to file applications for interrogatories for examination of the plaintiff together with proposed interrogatories; application for discovery; and application for inspection of such documents.

4. Extension of time for filing written statement.—If the Court is satisfied that the defendant was prevented by sufficient cause for exceptional and unavoidable reasons in filing the written statement within 30 days, it may extend the time for filing the same by a further period not exceeding 90 days, but not thereafter. For such extension of time, the party in delay shall be burdened with costs as deemed appropriate. The written statement shall not be taken on record unless such costs have been paid/ deposited. In case the defendant fails to file the affidavit of admission/ denial of documents filed by the plaintiff, the documents filed by the plaintiff shall be deemed to be admitted. In case, no written statement is filed within the extended time also, the Registrar may pass orders for closing the right to file the written statement.”

3. A perusal of the abovementioned Rules shows that the written statement is required to be filed within 30 days of receipt of summons and must be accompanied by an affidavit of admission/denial of documents. Rule 4 further provides that if the written statement is not filed within the initial period of 30 days, the Court may, for sufficient cause and for exceptional and unavoidable reasons, extend the time by a further period not exceeding 90 days, subject to costs. Upon such delay being condoned and the requisite costs being paid/deposited, the written statement may be taken on record.

4. Even though the Delhi High Court Rules provide that it is mandatory



that the Written Statement must be filed along with an affidavit of admission/denial of documents, however, some Courts have taken a view that the said requirement is not mandatory but only directory. This Court is not entering into that controversy at this juncture.

5. The facts of the case reveal that summons was served on Defendant No.4 on 25.01.2023 and in accordance with Rule 4 of the Delhi High Court Rules, the written statement along with the affidavit of admission/denial ought to have been filed on or before 24.02.2023. Admittedly, the written statement was initially filed by Defendant No.4 on 15.04.2023, which was within the maximum permissible period of 120 days. However, the Written Statement was not filed along with an affidavit of admission/denial of documents and the affidavit of admission/denial of documents was filed only on 12.07.2023, which is after the delay of 170 days. The Delhi High Court Rules also mandates that the defects in filing must be cured within 30 days provided there is a valid explanation. Defendant No.4 has to give some valid reasons which prevented the Defendant No.4 from filing affidavit of admission/denial of documents along with the written statement within the period prescribed under the Delhi High Court Rules.

6. The only reason given by learned Counsel for Defendant No.4 explaining the delay in filing the affidavit of admission/denial of documents is that Defendant No.4 was suffering from depression. Medical documents of Defendant No.4 have also been filed to substantiate this contention.

7. This Court has gone through the medical documents issued by Department of Psychiatry, Civil Hospital, Jalandhar. A perusal of the same does not disclose that Defendant No.4 was suffering from such kind of mental illness which would have prevented the Defendant No.4 from filing



the affidavit of admission/denial of documents, especially, when the written statement was initially filed on 15.04.2023. These medical documents which have been placed on record are of the year 2019. The affidavit of admission/denial of documents along with the written statement has been filed on 12.07.2023. No valid explanation has been given as to why the affidavit of admission/denial of documents has not been filed within the prescribed time stipulated under the Delhi High Court Rules.

8. In the absence of any plausible explanation, which can be accepted by this Court, explaining the delay in filing the affidavit of admission/denial of documents along with written statement, this Court is of the opinion that the Order dated 20.11.2023 passed by the Ld. Joint Registrar does not require any interference.

9. The Appeal stands dismissed, along with pending application(s), if any.

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List before the Ld. Joint Registrar on 29.04.2026, for further proceedings.

SUBRAMONIUM PRASAD, J

FEBRUARY 19, 2026

S. Zakir