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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 391/2022

SUNIL KUMAR & ANR.Plaintiffs

Through: Mr. Sangram Singh & Mr.
Rajesh Bansal, Advs.

versus

MAHENDER KEHAR SINCE DECEASED & ORS.

.....Defendants

Through: Mr. Vidit Gupta and Mr. Trivesh
Sharma, Advs. for D1(a) to
D1(d) (through VC).
Mr. Sudeep Sudan, Adv. for D2
&D3 (Mob.9650932143)
(Email: advsudeepsudan@gmail.com) (through VC).

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEEPAK
DABAS (DHJS)**

ORDER

28.04.2026

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**IA No.29519/2024 filed by defendant no.2 and 3 for
condonation of delay in filing WS.**

1. Pleadings qua captioned IA are stated to be complete.
2. Arguments heard. Record perused.
3. Counsel for defendant no.2&3 submits that vide order dated 11.01.2024, plaintiffs were directed to supply copy of plaint, etc. to defendants and defendants were directed to file written statement within 30 days thereafter.
4. Counsel for defendant no.2&3 further submits that copy of plaint, etc. was supplied to defendant no.2&3 on 15.02.2024 and written statement was filed by defendant no.2&3 on 13.05.2024 and hence, there is a delay of 58 days in filing written statement.
5. Counsel for defendant no.2&3 further submits that



written statement has been filed within 120 days from the date of supply of copy of plaint, etc. and the delay in filing written statement was caused due to the reason that defendant no.2&3 had to collect very old and voluminous record pertaining to previous litigations between parties.

6. On the other hand counsel for plaintiffs vehemently argued that the captioned IA is without merits and same is liable to be dismissed. Defendant no.2&3 have not pleaded/shown sufficient cause for non-filing of written statement within stipulated time. Counsel for plaintiffs has relied upon following judgments:-

a) ***“Basawaraj and Another Vs. Special Land Acquisition Officer, (2013) 14 Supreme Court Cases 81”***.

b) ***Anil Sharma Vs. Ajay Jain, being CM(M) 2889/2024 and CM Appl.38269/2024 decided by the Hon’ble Delhi High Court on 30.10.2025”***.

7. I have duly considered the rival submissions and have perused the record carefully. I have also perused the aforesaid judgments upon which reliance has been placed by counsel for plaintiffs.

8. The undisputed/admitted facts are that the complete/legible set of plaint as well as documents annexed with it was supplied to defendant no.2&3 on 15.02.2024 and written statement was filed by defendant no.2&3 on 13.05.2024. It is not in dispute that there is a delay of 58 days in filing written statement. The written statement has been filed by



defendant no.2&3 within 120 days from the date of receipt of copy of plaint, etc. The facts and circumstances of present case are far different from the facts and circumstances of the aforesaid two judgments upon which reliance has been placed by counsel for plaintiffs and hence, the said judgments have no applicability to the facts and circumstances of the present case.

9. Keeping in view the totality of facts and circumstances, the captioned IA stands allowed and disposed of, subject to total cost of Rs.20,000/- upon defendant no.2&3 to be paid to plaintiff.
10. Cost be paid within one week from today and Written Statement be also filed within one week, if the same is not already on record.
11. Replication be filed within stipulated period and said period shall commence from the date of payment of cost.
12. Soft copy as well as hard copy of Joint Document Schedule be filed within eight weeks from today.
13. Hard copy of documents which were e-filed be also filed within eight weeks from today.
14. Re-notify on 16.09.2026 for completion of pleadings as well as for admission/denial of documents and marking of exhibits.

**DEEPAK DABAS (DHJS),
JOINT REGISTRAR (JUDICIAL)**

APRIL 28, 2026/ab