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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 555/2025

SH. VIJENDER AGGARWAL

..... Plaintiff

Through: Mr. Anuj Kumar Garg, Adv.
(appeared through VC) with
plaintiff in person

versus

SH. YOGENDER AGGARWAL AND ANR.

..... Defendant

Through: Mr. Hari Kishan & Mr. Rishabh
Singla, Advs. for D-1 to 3

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER
12.01.2026

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**I.A.No.30398/2025 (under Order VIII Rule 1 CPC filed
on behalf of defendant nos.2 & 3 for condonation of
delay in filing written statement) &
I.A.No.30464/2025 under Order VIII Rule 1 CPC filed
on behalf of defendant no.1 for condonation of delay in
filing written statement)**

1. As per office note, learned counsel for the plaintiff has been served.
2. It is averred in the captioned IA that the defendant nos.1 to 3 were served with summons of the suit in the present case on 27.09.2025. It is further averred that written statement was prepared but clerk of counsel for the defendants inadvertently kept the signed and attested written statement in the case file of some other case which were traced only on 10.11.2025. It is also



averred that immediately thereafter, counsel for the defendant nos.1 to 3 filed the same on 11.11.2025. It is prayed that in view of the aforesaid facts, the captioned IAs may be allowed.

3. Heard. Record perused.
4. Perusal of the record shows that the defendant no.2 & 3 filed the written statement on 11.11.2025 vide diary no.8066198/25 and the defendant no.1 filed the written statement on 10.11.2025 vide diary no.8044958/25. However, the same are lying under objection. The defendant nos.1 to 3 were served in the month of September-October, 2025. From the aforesaid, it is evident that there is a delay in filing of written statement on behalf of defendant nos.1 to 3, however, the same have been filed within the extended period of 120 days. It is submitted that the written statement could not be filed within time as the clerk of counsel placed the original attested written statement in the case file of some other case. In my opinion, defendant no.1 to 3 should not suffer any mistake of clerk/counsel. Accordingly, the captioned IAs are allowed. Delay in filing written statement and affidavit of admission/denial on behalf of defendant nos.1 to 3 is condoned.
5. Learned counsel for defendant nos.1 to 3 is requested to check it up with the Registry to remove the objections and have the same placed on record within a week.
6. IAs stand disposed of.

CS(OS) 555/2025

7. As per office note, defendant no.4 has been served.



8. Delay in filing the written statement and affidavit of admission/denial of document by defendant nos.1 to 3 has been condoned today.
9. Let the pleadings be completed as per law.
10. Learned counsel for the plaintiff submits that the matter is coming up before the Hon'ble Court on 05.02.2026 and date is too short to complete the pleadings. He further submits that the matter may be placed before the Hon'ble Court on the date already fixed and he will make appropriate submissions before the Hon'ble Court.
11. At request, list the matter before the Hon'ble Court on the date already fixed i.e. **05th February, 2026.**

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 12, 2026/nk