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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 592/2025

VINOD GOYAL & ANR.

.....Plaintiff

Through: Ms. Namisha Jain & Mr. Rahul
Yadav, Advs. (appeared through
VC)

versus

AJAY GOYAL

.....Defendant

Through: Mr. Vaibhav Gupta, Adv.
(Mobile No.8586025144 & E-
mail ID lawchamber.gupta@gmail.com)

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. SUMIT
DALAL**

ORDER

30.05.2026

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**IA No. 21469/2025 (under Order XXXIX Rule 1 & 2
CPC filed on behalf of the plaintiff) and**

**IA No. 21471/2025 (under Order XI Rule 12 & 14 r/w
Section 151 CPC filed on behalf of the plaintiff seeking
discovery and production of documents)**

1. Rejoinder filed on behalf of the plaintiff are still lying under objections.
2. Accordingly, the plaintiff is directed to coordinate with the Registry, remove the objections and have the same placed on record.

I.A.No.7982/2026 (under Order XXXIX Rule 10 r/w



Section 151 CPC filed on behalf of the defendant seeking disclosure of details of lease deed and seeking disclosure of rent received and deposit of rent in this Court)

3. Pleadings stand concluded as noted in the order dated 26.05.2026.

I.A.No.7731/2026 (under Section 151 CPC r/w Section 5 of the Limitation Act filed on behalf of the plaintiff seeking condonation of delay in filing replication, documents and affidavit of admission/denial)

4. Pleadings stand concluded as noted in the order dated 26.05.2026.

I.A.No.7732/2026 (under Order VIII Rule 1A r/w Section 151 CPC filed on behalf of the plaintiff seeking rejection/striking off the written statement)

5. The present application has been filed on behalf of the plaintiffs under Order VIII Rule 1 read with Order VIII Rule 10 and Section 151 of the Code of Civil Procedure, 1908 seeking rejection/striking off/taking off record of the written statement filed by the defendant.
6. The plaintiffs/applicants contend that the written statement has been filed beyond the prescribed period, without any application seeking extension of time/condonation of delay, and therefore the same ought not to remain on record. The plaintiffs further seek consequential directions under Order VIII Rule 10 CPC.
7. The defendant/respondent has opposed the application. It is contended, inter alia, that the written statement was filed within the statutory period; that the complete paper book



was supplied only on 11.11.2025; that the written statement was e-filed on 03.01.2026; that objections, if any, were cured and the written statement was thereafter served/refiled; and that the written statement already forms part of the record.

8. I have heard learned counsel for the parties on the maintainability of the present application before the Joint Registrar (Judicial) and have perused the record.
9. The relevant subsequent order which assumes importance is the order dated 28.01.2026 passed by the learned predecessor Joint Registrar (Judicial). In the said order, I.A. No. 2315/2026 filed by the defendant under Section 5 of the Limitation Act seeking condonation of delay in filing replies to I.A. Nos. 21469/2025 and 21471/2025 was allowed. The delay in filing the said replies was condoned and the replies were taken on record.
10. Thereafter, while taking up the main suit and pending applications, the learned predecessor Joint Registrar (Judicial) recorded as follows:

“As per office note, vakalatnama, written statement, affidavit of admission/denial of documents, reply to IAs and documents have been filed on behalf of the defendant.”

7. The learned predecessor Joint Registrar (Judicial) further directed the plaintiff to file replication and affidavit of admission/denial of documents within the stipulated period with advance copy to the opposite side.



8. Thus, the order dated 15.01.2026 does not merely record the physical presence of some papers in the Registry. It records, on the basis of the office note, that the written statement, affidavit of admission/denial and documents had been filed on behalf of the defendant. It further proceeds on that premise by directing the plaintiffs to file replication and affidavit of admission/denial within the stipulated period.
9. The order dated 28.01.2026 does not record that the written statement was lying under objection. It does not record that any objection of limitation, defective filing, non-service, non-compliance of advance service, or non-filing of affidavit of admission/denial was pending consideration before the Registry. I have also perused the relevant office notings. No objection appears to have been raised by the Registry with regard to the written statement remaining under defect or being liable not to be accepted on account of the objections now urged.
10. In view of the aforesaid factual position, the written statement cannot, at this stage, be treated as a pleading which is merely lodged with the Registry awaiting scrutiny or acceptance. The written statement has already come on record. Therefore, the present controversy is not a simple question whether delay in filing written statement should be condoned or whether time should be extended before the written statement is taken on record.
11. The real question now is whether the written statement, which already stands filed/recorded on the record of the



suit, was rightly taken on record; and if it was not rightly taken on record, whether it should now be taken off the record. This is materially different from the initial procedural exercise of granting or refusing extension of time for filing written statement.

12. The powers of the Registrar/Joint Registrar on the Original Side are governed by the Delhi High Court (Original Side) Rules, 2018. Chapter II Rule 3 enumerates the matters which may be dealt with by the Registrar. Clause (60) thereof includes applications for enlargement or abridgment of time, including applications to foreclose the right to file written statements and replies.
13. Chapter VII Rule 2 of the Rules provides that where summons are for appearance and filing written statement, the written statement shall not be taken on record unless filed within thirty days from the date of service or within the time provided by the Rules, the Code or the Commercial Courts Act, as applicable. The said Rule also requires advance service of the written statement and documents upon the plaintiff.
14. Chapter VII Rule 3 requires filing of affidavit of admission/denial of documents along with the written statement and provides that without such affidavit the written statement shall not be taken on record.
15. Chapter VII Rule 4 deals with extension of time for filing written statement. It empowers the Court, on being satisfied that the defendant was prevented by sufficient cause for exceptional and unavoidable reasons from filing



written statement within ninety days, to extend the time by a further period not exceeding ninety days, but not thereafter. The Rule further provides that in case no written statement is filed within the extended time also, the Registrar may pass orders closing the right to file written statement.

16. The scheme of the Rules, therefore, shows that the Registrar/Joint Registrar may deal with questions relating to enlargement of time, abridgment of time and foreclosure of the right to file written statement at the stage when such right is to be exercised or when the question is whether the written statement should be accepted/taken on record in the first instance.
17. However, once the written statement is already on record and the earlier order proceeds on the footing that the written statement has been filed, an application seeking to take the written statement off the record raises a different issue. Such an exercise would require examination whether the earlier procedural acceptance of the written statement was legal, whether the earlier order is liable to be recalled or varied, and whether the written statement already forming part of the judicial record should be removed.
18. The Joint Registrar (Judicial), being a delegate under the Delhi High Court (Original Side) Rules, exercises only such powers as are conferred by the Rules or delegated by orders of the Hon'ble Court. The Joint Registrar cannot sit in appeal over, review, recall or set aside an order passed



by the predecessor Joint Registrar, unless such power is expressly or necessarily conferred.

19. It is settled law that the power of review is not an inherent power. It must be conferred by law either expressly or by necessary implication. Reference may be made to the judgment of the Hon'ble Supreme Court in **Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji, (1971) 3 SCC 844**. The Rules do not confer upon a successor Joint Registrar a general power to review or recall a prior order of the predecessor Joint Registrar by which a pleading has already been treated as filed and the opposite party has been directed to file replication.
20. The Rules themselves provide the remedy against orders of the Registrar. Chapter II Rule 5 provides that any person aggrieved by an order made by the Registrar under Chapter II Rule 3 may, within the prescribed period, appeal against the same to the Judge in Chambers. Thus, where a party is aggrieved by an order or procedural decision of the Registrar/Joint Registrar whereby a written statement is treated as filed or taken on record, the proper forum would be the Hon'ble Court/Judge in Chambers and not a coordinate/successor Joint Registrar exercising review over the earlier order.
21. There is another reason why the present application cannot be finally adjudicated by the Joint Registrar (Judicial). The application is not confined to a ministerial objection or a pending defect. It is expressly filed under Order VIII Rule 1 read with Order VIII Rule 10 CPC and Section 151 CPC.



The prayer is not merely to recording that the defendant's right to file written statement stands closed before the written statement is accepted. The plaintiffs seek rejection/taking off record of a written statement which, as per the order dated 28.01.2026 and office noting, has already come on record. They also seek further proceedings under Order VIII Rule 10 CPC.

22. Order VIII Rule 10 CPC empowers the Court, where a party fails to present a written statement within the time permitted or fixed by the Court, to pronounce judgment against such party or to make such order in relation to the suit as it thinks fit. The power under Order VIII Rule 10 CPC, particularly where it may lead to pronouncement of judgment or substantial foreclosure of defence after the pleading has already come on record, is a power of the Hon'ble Court. The Registrar/Joint Registrar cannot pronounce judgment in the suit or pass an order having the effect of finally adjudicating rights of parties.

23. In the present case, if the plaintiffs' contention is accepted, the written statement already on the record would be taken off the record and the matter may thereafter proceed towards consequences under Order VIII Rule 10 CPC. Such an order would have serious consequences upon the defendant's right to contest the suit. It would also involve, in substance, examination of the correctness of the earlier order/office acceptance of the written statement. In my considered view, such adjudication does not fall within the purview of the Joint Registrar (Judicial) at this stage.



24. It is clarified that this Court is not expressing any opinion on the merits of the rival contentions, including:

- a. whether 28.11.2025 is the correct starting point for filing written statement;
 - b. whether the defendant is entitled to the benefit of Section 4 of the Limitation Act;
 - c. whether the alleged e-filing on 03.01.2026 was within time or is to be treated as filing on the next working day;
 - d. whether absence of advance service, if established, renders the filing non est or is a curable defect;
 - e. whether the written statement was validly and properly taken on record;
 - f. whether the written statement deserves to be taken off the record;
 - g. whether any consequence under Order VIII Rule 10 CPC is attracted; and
 - h. whether the plaintiffs are entitled to any consequential relief.
5. All the above questions are kept open for consideration by the Hon'ble Court.
6. In view of the aforesaid discussion, I am of the considered opinion that I.A. No. 7732/2026, in its present form and in the present factual situation where the written statement has already come on record and no Registry objection is pending, is not liable to be adjudicated by the Joint Registrar (Judicial).



7. Nothing stated herein ~~shall~~ be construed as an expression on the merits of I.A. No. 7732/2026 or on the merits of the suit.
8. List the matter before the Hon'ble Court for further directions on **15.07.2026**, the date already fixed.

SUMIT DALAL
JOINT REGISTRAR (JUDICIAL)

MAY 30, 2026/nk