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

+ CS(OS) 614/2025

ROMI GARG

.....Plaintiff

Through: Ms. Shivalika Rudrabatla, Adv.

Versus

ANUP GARG & ORS

.....Defendants

Through: Mr. Ajay Chaudhary, Mr. Bharat Chaudhary and Ms. Nikita Chaudhary, Advs. for D-1 & 19 (M: 9717155565)
Mr. Prakruthi Jain, Mr. Angad Gautam and Mr. Chirag Dahiya, Advs. for D-4, 14, 15 & 16.
Mr. Dhananjay Grover, Adv. for D-8.
Mr. Atulay Nehra and Mr. Aryaman Nehra, Advs. for D-10, 11 & 12 (through VC)
Ms. Naina Kejriwal, Adv. for D-9.
Ms. Bonita Singh, Adv. for D-13.
Mr. Thakur Ankit Singh, Adv. for D-18.
Ms. Astha Gupta, Adv. for D-20 (M: 8826074954) (Email ID: astha1193@gmail.com) (through VC)

CORAM:

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

ORDER

06.05.2026

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Proceedings are being conducted through hybrid mode.

I.A.No.12623/2026 (by D-13 u/S 5 of limitation Act for condonation of delay of 157 in filing written statement)

1. Issue notice.
2. Ld. Counsel for plaintiff accepts notice of the captioned IA.
3. Arguments heard.



4. Ld. Counsel for defence no. 13 submits that as per first proviso to the order VIII Rule 1 CPC the limitation prescribed for filing written statement is not mandatory in civil suits other than commercial suits. She has relied upon the judgments in the case of *Deshraj Vs Balkishan (dead) through LRs* (2020) 2 SCC 708, *Bharat Kalra Vs Raj Kishan Chabbra* (2022) SCC online SC613 and *Zolba Vs Keshao & Ors* (2008) 11 SCC 769.
5. *Per contra*, Ld. Counsel for the plaintiff opposes the application on the ground that the written statement cannot be filed beyond 120 days. She has relied upon the judgement in the case of ***“Ram Sarup Lugani & Anr. Vs. Nirmal Lugani & Ors.” dated 19.10.2020 passed in FAO(OS) 47/2020.***
6. In the case of *Manhar Sabharwal vs High Court Of Delhi & Ors.* W.P.(C) 15091/2023 decided on 23 August, 2024, the Hon'ble high Court of Delhi had made the following observations with regard to the provisions of Chapter VII Rule 4 CPC:

*“18.1 The reliance by the petitioners on the judgment in the case of *Kailash Vs. Nanhku (supra)*5, is totally misplaced. The said judgment was in the context of interpretation of Order VIII Rule 1 of CPC. Rule 4, Chapter VII of DHC Original Side Rules was not a subject matter of discussion in the said judgment. Even otherwise, Rule 4, Chapter VII of DHC Original Side Rules itself was introduced only in the year 2018. Consequently, in view of Section 129 of CPC, the Original Side Rules of the High Court prevail over the provisions of the CPC.*

18.2 The position in the present case is totally different as Section 129 of CPC, which empowers the High Court to frame its own Original Side Rules, is a non-obstante clause and itself excludes the operation of other provisions of the CPC, while conferring jurisdiction on the High Court to frame its Rules. Thus, in case of any



inconsistency between the provisions of the DHC Original Side Rules and the provisions of the CPC, the DHC Original Side Rules shall prevail. The judgment relied upon by the petitioners is not applicable to the facts and circumstances of the present cases. 18.3 Therefore, Rule 4 Chapter VII of DHC Original Side Rules cannot be challenged on the ground of being contrary to the aforesaid judgment, which was delivered in the context of Order VIII Rule 1 CPC. The amended provisions of Order VIII Rule 1 CPC, would not apply to the suits on the Original Side of the High Court, and such suits would continue to be governed by the High Court Original Side Rules.

19. Reliance by the petitioners on the judgment in the case of *Raj Kumar Yadav (supra)*⁶, to contend that statutory period of limitation cannot be taken away by the Rules framed by the High Court governing its procedure, is again, misconceived. The said judgment was rendered in an Election Petition, wherein, the High Court Rules in the said case stipulated that an Election Petition could be filed only in the open court. In the said case, the Election Petition was presented ten minutes after the Judge had retired to his chamber. The Representation of People Act, 1951 stipulated limitation under Section 81 of the said Act, to expire on the 45th day from the date of election. The word „day“ was interpreted to cover a period of twenty four hours, to include period till midnight. It was in this context that it was held that the limitation period would continue till midnight of the last day, and non-acceptance of the Election Petition on the ground of its presentation after the Judge had risen for the day, was rejected.

20. Similarly the judgments in the cases of *Salem Advocate Bar Association (supra)*⁷ and *Sambhaji (supra)*⁸, are not applicable to the present cases, as the said judgments were dealing with Order VIII Rule 1 of CPC. As discussed in the preceding paragraphs, the operation of the said provision to Original Side of this Court, stands excluded and the DHC Original Side Rules, shall operate to govern the practice and procedure of the Original Side of this Court.

21. Section 129 CPC expressly gives the power to the High Court to make rules, notwithstanding the provisions of the CPC, meaning thereby, the High Court is in its authority to frame Rules that may be contrary to other



provisions of the CPC. Therefore, relying on judicial interpretations of the provisions of the CPC, to challenge Rule 4 Chapter VII of DHC Original Side Rules, is totally fallacious.”

7. Admittedly, there is delay of 157 days in filing written statement on behalf of defendant no. 13. Rule 4 of Chapter VII of Delhi High Court (original Side) Rules, 2018 provides that the period for filing the written statement could be extended by a further period not exceeding 90 days if it could not be filed within initial 30 days, but not thereafter. Therefore, the written statement cannot be filed beyond 120 days.

8. Accordingly, the captioned IA is dismissed.

I.A.No.12681/2026 (by D-8 Ms. Sagarika Sawhney u/O VIII Rule 1 r/w Section 151 CPC for condonation of delay in filing rejoinder to application u/O I Rule 10)

9. Heard.

10. 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 in filing rejoinder on behalf of the defendant no. 8 is condoned.

11. The captioned IA stands disposed off accordingly.

I.A. 3399/2026 (under Chapter VII Rule 5 of Delhi High Court (OS) Rule, 2018 r/w Section 151 CPC for condonation of delay in filing replication to the written statement filed by D-2)

12. Ld. Counsel for defendant no.2 submits that she has no objection to the captioned IA.

13. Heard.

14. Considering the submissions, the delay in filing the replication to the written statement of defendant no.2 is condoned.



15.The captioned IA is disposed off accordingly.

I.A.No.1948/2026 (u/O I Rule 10 (2) CPC for deletion of defendant no.20 from array of parties)

16.Ld. Counsel for defendant no.20 seeks and is granted two weeks time to file rejoinder to reply of plaintiff.

I.A.No. 2707/2026 (by plaintiff u/S 5 of limitation Act r/w Section 151 CPC for condonation of delay in filing written statement)

17.Heard.

18.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. The written statement has been filed within outer limit of 120 days. Hence, considering the submissions made in the application, the delay in filing written statement and affidavit of admission/denial of documents on behalf of the defendant no.18 is condoned.

19.The captioned IA stands disposed off accordingly.

I.A.No.1198/2026 (by defendant no.4 u/S 151 CPC for condonation of delay of 69 days in filing written statement)

20.Heard.

21.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. The written statement has been filed within outer limit of 120 days. Hence, considering the submissions made in the application, the delay in filing written statement and affidavit of admission/denial of documents on behalf of the defendant no.4 is condoned.

22.The captioned IA stands disposed off accordingly.

I.A.No. 1196/2026 (by plaintiff under Chapter II Rule



3(60) Delhi High Court (OS) rules r/w Section 151 CPC for condonation of delay in filing reply to application u/O I Rule 10 CPC by D-10, 11 & 12)

23.Heard.

24.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. The written statement has been filed within outer limit of 120 days. Hence, considering the submissions made in the application, the delay in filing written statement and affidavit of admission/denial of documents on behalf of the defendant no.14 to 16 is condoned.

25.The captioned IA stands disposed off accordingly.

I.A.No. 6214/2026 (by plaintiff under Chapter II Rule 3(60) of Delhi High Court (OS) Rules, 2018 for condonation of delay in filing reply to application u/O I Rule 10 CPC by D-14, 15 & 16)

26.Heard.

27.Considering the submission the delay in filing reply to the application u/O I Rule 10 CPC filed by defendant nos. 14 to 16 is condoned.

28.The captioned IA is disposed off accordingly.

I.A.No. 1561/2026 (u/S 151 CPC for condonation of delay in filing replication to the written statement filed by D-10, 11 & 12)

29.Ld. Counsel for defendant nos. 10, 11 & 12 request for adjournment.

I.A.No. 1200/2026 (by defendant no.4 (Mr. Pankaj gupta) u/O I Rule 10 r/w Section 151 CPC seeking the deletion of the applicant's name from the array of parties)

30.Ld. Counsel for defendant no. 4 seeks and is granted two weeks time to file rejoinder to the reply of plaintiff.

I.A.No. 1195/2026 (by defendant no.14 (Mrs. Sajal



Gupta); defendant no. 15 (Mrs. Mamu ram Gupta); and defendant no. 16 (Mrs. Sudesh Gupta) u/O I Rule 10 r/w Section 151 CPC seeking the deletion of the afore-named defendant(s) from the array of parties)

31.Ld. Counsel for defendant no. 14 to 16 seeks and is granted two weeks time to file rejoinder to the reply of plaintiff.

I.A.No. 3385/2026 (u/O XXXIX Rule 2A r/w Section 94 (c) and 151 CPC for attachment of the property and civil imprisonment of defendant no. 1)

32.Ld. Counsel for defendant no. 1 seeks and is granted three weeks time to file reply. Rejoinder thereto if any be filed within two weeks.

I.A.No. 7269/2026 (by plaintiff under Chapter II Rule 3 (60) of Delhi High Court (OS) Rules, 2018 r/w Section 151 CPC for condonation of delay in filing replication to the written statement filed by D-8)

33.Ld. Counsel for defendant no.8 submits that he has no objection to the captioned IA.

34.Considering the submissions, delay in filing the replication to the written statement of defendant no. 8 is condoned.

35.The captioned IA is disposed off accordingly.

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36. Plaintiff is directed to file replication alongwith affidavit for admission/denial of documents qua defendant no. 4, 8, 14 to 16 & 18 within 30 days.

37.Re-notify the matter for disposal of pending IAs u/O I Rule 10 CPC and completion of pleadings of main suit on **21st July, 2026**.

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

MAY 06, 2026/PU

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