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

+ **CS(OS) 885/2025**

**SEEMANT BALI**

.....Plaintiff

Through: Mr. Karan S. Thukral & Ms.  
Vaishnavi Arora, Advs.  
(appeared through VC)

versus

**ASHA BALI & ORS.**

.....Defendant

Through: Ms. Usha, Adv. for D-1 & 2  
(appeared through VC)

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

**ORDER**  
**06.07.2026**

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1. Perusal of the record shows that, vide order dated 24.02.2026, Defendant No. 1 was recorded as having been served on 07.02.2026, whereas Defendant No. 2 was recorded as having been served on 06.02.2026. Further, vide order dated 28.04.2026, Defendant Nos. 3 to 6 were recorded as having been served on 13.04.2026. Despite service, no written statement has been filed on behalf of any of the defendants till date.
2. Insofar as Defendant Nos. 1 and 2 are concerned, the period of 30 days prescribed for filing the written statement, as also the further extendable period culminating in the outer limit of 120 days from the respective dates of service, has already expired. Learned counsel appearing for Defendant Nos. 1 and 2



submits that the written statement could not be filed within the prescribed period as the complete set of the plaint and the accompanying paper book had not been supplied to the said defendants.

3. The aforesaid submission is opposed by learned counsel for the plaintiff, who submits that a complete set of the plaint and the accompanying documents had duly been supplied along with the summons. It is further submitted that Defendant Nos. 1 and 2 neither raised any grievance regarding non-supply or incomplete supply of the pleadings within the prescribed period nor approached the Court seeking a direction for supply of any allegedly missing or illegible pages. It is, therefore, contended that the plea now sought to be raised is an afterthought and cannot arrest or extend the statutory period for filing the written statement.
4. In order to ascertain the substance of the objection, a specific query was put to learned counsel for Defendant Nos. 1 and 2 to identify the pages of the plaint or the documents which were allegedly not supplied or were illegible. Learned counsel, however, expressed her inability to identify any such page and submitted that she had not received a copy of the plaint from her clients. Thus, no particulars of the alleged deficiency in the set supplied to Defendant Nos. 1 and 2 have been placed before the Court. There is also nothing on record to indicate that, at any time after service and before expiry of the permissible period, Defendant Nos. 1 and 2 brought the alleged non-supply of the complete paper book to the notice of the plaintiff, the Registry or the



Court.

5. A plea that the complete set of pleadings was not supplied cannot be accepted merely on the basis of a general and unsubstantiated assertion, particularly when the parties relying upon such plea are unable to specify even the documents or pages allegedly missing. Had the set supplied with the summons actually been incomplete or illegible, ordinary diligence required Defendant Nos. 1 and 2 to raise the grievance promptly and seek supply of the deficient documents so that the written statement could be filed within the period prescribed by law. No such step appears to have been taken.
6. In these circumstances, this Court is not satisfied that the failure of Defendant Nos. 1 and 2 to file their written statement was attributable to non-supply of the complete set of the plaint or the accompanying documents. Since the outer limit of 120 days from the respective dates of service has already expired, the right of Defendant Nos. 1 and 2 to file the written statement stands closed.
7. Let the pleadings be completed as per Rules within stipulated time period.
8. List for completion of pleadings and further proceedings on **15.10.2026**.

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

**JULY 6, 2026/nk**