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

+ **CM(M) 2493/2025**

ANKITA PRIYADARSHINI

.....Petitioner

Through: Mr. Aayush Agarwala, Advocate
(*through videoconferencing*) and Ms.
Mukti Heliwal, Advocate

versus

ARPAN SAXENA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **23.12.2025**

CM APPL. 81557/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 2493/2025 & CM APPL. 81556/2025 (stay)

2. Petitioner/defendant has assailed orders dated 26.04.2025 and 29.11.2025 of the learned trial court. By way of order dated 26.04.2025, the right to file written statement was closed because during the prescribed period, the petitioner/defendant failed to file the written statement. By way of order dated 29.11.2025, application seeking review of order dated 26.04.2025 was dismissed.
3. It appears that the application for review was accompanied with the written statement and an application under Section 5 Limitation Act seeking condonation of delay in filing the written statement. The learned trial court dismissed the review application but despite covering the grounds



mentioned in the application under Section 5 Limitation Act, did not specifically dispose of that application.

4. Broadly speaking, summons were allegedly served on the petitioner/defendant on 13.01.2025 and paperbook was supplied to her on 07.03.2025. Learned counsel for petitioner/defendant has shown me order dated 07.03.2025 of the trial court. That being so, the statutory period during which the written statement could be filed as a matter of right expired on 06.04.2025 and the extendable period of 90 days expired on 06.06.2025, though beyond that also the written statement could be taken on record in exceptional circumstances. The written statement in the present case was filed on 04.06.2025, i.e. within 90 days of service of paperbook.

5. Against the above backdrop, learned counsel for petitioner/defendant contends that petitioner was able to set up sufficient reasons explaining the delay in filing the written statement. The reasons set up were that mother of the petitioner/defendant had suffered brain haemorrhage and the doctor concerned had advised 24 hours attendance. The learned trial court took a view that in the other proceedings between the same parties, the petitioner/defendant was participating in the proceedings, so there was no reason for delay in filing the written statement. In this regard, learned counsel for petitioner/defendant contends that attending the other proceedings through videoconferencing or physically is not as difficult as sitting with the counsel to prepare written statement in the circumstances in which the petitioner/defendant is attending to her bedridden mother.

6. Considering the above circumstances, the proceedings before the trial court till next date are stayed.



7. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent, returnable on 18.03.2026 before Registrar.

GIRISH KATHPALIA, J

DECEMBER 23, 2025

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