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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 952/2025

SEEMA JAIN

.....Plaintiff

Through: Mr. Amit Sanduja, Adv.

versus

SANJAY JAIN & ORS.

.....Defendant

Through: Mr. Jitender Vashisht, Adv. for
D-1
Ms. Gauri Vashisht, Adv. for D-2
(appeared through VC)
Mr. Shahbaz Akhtar & Mr.
Anand Prakash Dubey, Adv. for
D-4 (appeared through VC)

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. SUMIT
DALAL

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ORDER
22.05.2026

I.A.No. 8332/2026 (under Order VIII Rule 1 CPC filed on behalf of defendant no.1 for condonation of delay in filing the written statement) &

I.A. 10344/2026 (under Order VIII Rule 1 CPC filed on behalf of defendant no.2 for condonation of delay in filing the written statement)

1. By this common order, I shall dispose of I.A. No. 8332/2026 filed on behalf of Defendant No. 1 and I.A. No. 10344/2026 filed on behalf of Defendant No. 2 seeking



condonation of delay/extension of time in filing their respective written statements.

2. The relevant dates, as borne out from the record, are that Defendant No. 1 was served with the summons of the suit on 20.01.2026 and his written statement was filed on 25.02.2026. The application seeking condonation of delay was thereafter filed on 24.03.2026. Defendant No. 2 was served with the summons of the suit on 24.01.2026 and her written statement was filed on 07.04.2026.
3. No reply has been filed by the plaintiff. Learned counsel for the plaintiff submits that the plaintiff does not wish to file any reply and has chosen to straightaway address arguments opposing the applications.
4. In I.A. No. 8332/2026, Defendant No. 1 has stated that after service of summons, he approached his counsel for preparation and filing of written statement. It is stated that the counsel required Defendant No. 1 to provide para-wise comments to the plaint and also to supply necessary documents. Defendant No. 1 has further stated that some time was consumed in searching and collecting old documents pertaining to the case and that the requisite information/documents were supplied to the counsel on or about 13.02.2026. It is further stated that the counsel could not prepare and file the written statement within the initial prescribed period as he was occupied in connection with Bar Council of Delhi elections, 2026 as he was first proposer to one of the candidates. The written statement was thereafter filed on 25.02.2026.



5. In I.A. No. 10344/2026 Defendant No. 2 has stated that after service of summons, she approached her counsel, who required para-wise comments to the plaint. It is stated that the necessary information was provided to the counsel on or about 10.02.2026. Thereafter, the counsel could not prepare and file the written statement within the initial period as she was occupied in connection with her sagan/engagement ceremony dated 14.02.2026, marriage dated 21.02.2026 and post-marriage ceremonies, and joined office on 16.03.2026. It is also stated that Defendant No. 2 was out of station for some period. The written statement came to be filed on 07.04.2026.
6. Learned counsel for the plaintiff has opposed the applications on the ground that no sufficient cause has been shown by the defendants. In respect of Defendant No. 1, it is further argued that though the written statement was filed on 25.02.2026, the application seeking condonation of delay was filed only on 24.03.2026. It is submitted that once the written statement was filed after expiry of 30 days from the date of service, the same could not have been treated as a proper filing unless it was accompanied by an application seeking condonation of delay. It is, therefore, argued that the written statement of Defendant No. 1 ought to be treated as having been filed only on 24.03.2026, when the application seeking condonation of delay came to be filed.
7. I have heard learned counsel for the parties and perused the record.



8. The object of prescribing a timeline for filing of written statement is to ensure procedural discipline and expeditious progress of the suit. At the same time, where the written statement has been filed within the outer extendable period and the delay is duly explained, the Court is required to adopt a balanced approach so that the matter is adjudicated on merits, unless the conduct of the defendant discloses mala fides, gross negligence or deliberate attempt to delay the proceedings.
9. In the present case, the written statement of Defendant No. 1 was filed on 25.02.2026. Since Defendant No. 1 was served on 20.01.2026, the written statement was filed shortly beyond the initial period of 30 days and well within the extendable period. The delay is not substantial. The explanation offered is that time was consumed in collecting old documents and furnishing para-wise comments to counsel, and thereafter counsel remained occupied in connection with Bar Council election work. Though engagement of counsel in other professional activities, by itself, may not always constitute sufficient cause, the explanation in the present case is not confined only to the said ground. The defendant has also explained the time taken in searching and collecting old documents and giving instructions for preparation of the written statement.
10. The objection of the plaintiff that the written statement of Defendant No. 1 should be treated as filed only on 24.03.2026, i.e. the date of filing of the condonation



application, is not acceptable. The actual filing of the written statement on record took place on 25.02.2026. The subsequent filing of an application seeking condonation of delay may be relevant for considering whether the written statement can be taken on record, but it does not erase the fact that the written statement was actually filed on 25.02.2026. Filing of the application subsequently is, therefore, a procedural irregularity which can be considered while deciding whether the delay deserves to be condoned. It cannot, in the facts of the present case, lead to the consequence that the written statement shall be deemed to have been filed only on the date of filing of the condonation application.

11. Insofar as Defendant No. 2 is concerned, the written statement was filed on 07.04.2026. Defendant No. 2 was served on 24.01.2026. Thus, the written statement has also been filed within the outer extendable period. The explanation furnished is that comments were supplied to the counsel and thereafter counsel was unable to finalise the written statement on account of her engagement, marriage and related ceremonies. The application also states that Defendant No. 2 remained out of station for some period. The factual assertions made in the application have not been specifically controverted by filing any reply. The reason pleaded, when seen cumulatively with the fact that the written statement has been filed within the permissible extendable period, is sufficient to grant extension of time.



12. It is also relevant that pleadings are still at the initial stage and taking the written statements on record would assist in complete and effective adjudication of the controversy between the parties. The plaintiff has not shown any specific prejudice which cannot be balanced by granting an opportunity to file replication and affidavit of admission/denial in accordance with law.
13. Procedural rules are intended to advance the cause of justice and not to shut out a defence at the threshold where the delay is within the condonable period, has been explained, and does not appear to be deliberate or mala fide. In the facts and circumstances of the present case, sufficient cause is made out for condonation of delay/extension of time in filing the written statements.
14. Considering the nature of explanation offered, the stage of the suit, the fact that the plaintiff has not filed any reply controverting the factual assertions made in the applications, and the fact that both written statements have been filed within the outer extendable period, this Court does not deem it necessary to impose costs while allowing the present applications.
15. Accordingly, I.A. No. 8332/2026 filed on behalf of Defendant No. 1 and I.A. No. 10344/2026 filed on behalf of Defendant No. 2 are allowed. The delay in filing the written statements on behalf of Defendant Nos. 1 and 2 is condoned. The written statements filed on behalf of Defendant Nos. 1 and 2 are taken on record, subject to the



same being otherwise in order as per the Delhi High Court (Original Side) Rules, 2018.

16. The plaintiff is at liberty to file replication(s), if any, along with affidavit(s) of admission/denial of documents, within the period prescribed under the Delhi High Court (Original Side) Rules, 2018.
17. The applications stand disposed of in the above terms.

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18. Vide order passed in IA No.8332/2026 & IA No.10344/2026, delay in filing written statements by defendant no.1 & defendant no.2 has been condoned.
19. Let the pleadings be completed as per law.
20. Let the Joint Document Schedule along with hard copy thereof and hard copies of the documents be filed at least one week prior to the next date of hearing.
21. List for completion of pleadings and admission/denial of documents on **06.10.2026**.

**SUMIT DALAL
JOINT REGISTRAR (JUDICIAL)**

MAY 22, 2026/nk