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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 4/2026

ANIL KUMAR JAIN

.....Plaintiff

Through: Ms. Bhoomika Prakash, Adv.

versus

SHRI AMIT GARG & ORS.

.....Defendant

Through: Mr. Pulkit Garg, Proxy Adv. for D-1  
Ms. Chahat Duta, Adv. for D-2  
(appeared through VC)  
Mr. Sarthak Ahuja, Adv. for D-3  
(Mobile No.9873300964)  
Ms. Ishita Nautiyal, Adv. for D-4  
Mr. Vinod Mantoo, Adv.  
(appeared through VC) & Mr.  
Hem Kumar, Adv. for D-5

**CORAM:**

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

**ORDER**

**09.04.2026**

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**I.A.No.9729/2026 (under Chapter VII Rule 4 of the  
Delhi High Court (Original Side) Rules, 2018 r/w  
Section 151 CPC filed on behalf of defendant no.1 for  
condonation of delay in filing the written statement)**

1. Notice is issued. Notice is accepted by learned counsel for the plaintiff.
2. Learned counsel for the plaintiff enquires regarding the delay in filing the written statement. Learned counsel for Defendant No. 1 submits that the delay is of 29 days. Learned counsel for the plaintiff states that he has



no objection.

3. In view of the submissions made and the no objection given by learned counsel for the plaintiff, the delay in filing the written statement on behalf of Defendant No. 1 is condoned. The written statement of Defendant No. 1 is taken on record.
4. The IA stands disposed of accordingly.

**CS(OS) 4/2026**

5. As per office note, Defendant No. 1 was served on 31.01.2026 through the father of Sh. Amit Garg. Defendant No. 2 remains unserved with the report that the person found at the address denied knowledge of Defendant No. 2. Defendant No. 3 is also unserved, with the report that the premises have been vacated and the owner does not reside there. Defendant No. 4 was served on 30.01.2026, and Defendant No. 5 has been served by way of affixation.
6. Accordingly, Defendant Nos. 2 and 3 are yet to be served.
7. As per office note, fresh vakalatnama has been filed on behalf of Defendant Nos. 3 and 5. In view thereof, Defendant No. 3 is deemed to be duly served.
8. Learned counsel appears on behalf of Defendant No. 2 and undertakes to file vakalatnama during the course of the day. Accordingly, Defendant No. 2 is also deemed to be served, subject to filing of vakalatnama.
9. As per office note, Defendant No. 5 has filed written statement along with affidavit of admission/denial of documents; however, the same has been returned under objections. Upon query, it is submitted that the



objection pertains to a delay of 25 days in filing the written statement. Learned counsel for the plaintiff has no objection.

10. Accordingly, the delay in filing the written statement on behalf of Defendant No. 5 is condoned and the objection stands removed. If the objection is limited to delay, the same stands waived; any other objections shall be dealt with by the Registry as per rules.

11. In view of the order passed in IA No. 9729/2026, the written statement of Defendant No. 1 is taken on record.

12. Let replication to the written statement of Defendant Nos. 1 and 5 be filed within the stipulated time period. It is clarified that the limitation period for filing replication shall commence from today.

13. Since the present is a partition suit, learned counsel for Defendant No. 4 submits that all pleadings filed in the matter be supplied to all parties. Accordingly, all parties are directed to supply their respective pleadings to all other parties.

14. Learned counsel for Defendant No. 3 submits that Defendant No. 3 does not wish to file any written statement and has no objection to the partition of the suit property.

**I.A.No.42/2026 (under Order XXXIX Rule 1 & 2 CPC filed on behalf of the plaintiff) &**

**I.A.No.44/2026 (under Section 151 CPC filed on behalf of the plaintiff for condoning the delay in re-filing the present suit)**

15. As per office note, reply filed on behalf of Defendant



No. 1 and separate reply filed on behalf of Defendant No. 5 are under objections.

16. On the request of learned counsel for Defendant Nos. 1 and 5, and with no objection from learned counsel for the plaintiff, delay, if any, in filing the replies is condoned and the objections stand removed. If the objections pertain only to delay, the same stand waived; any other objections shall be dealt with by the Registry as per rules.

17. Rejoinder, if any, be filed within two weeks from today.

18. List before the Hon'ble Court for further directions on the date already fixed, i.e., **30.04.2026**.

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

**APRIL 9, 2026/nk**