



2026:DHC:3024



\$~6 (original side)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision : 10.04.2026

+ EL.PET. 6/2025 & I.A. 24258/2025 I.A. 24259/2025 I.A. 29435/2025
I.A. 29477/2025 I.A. 29719/2025

SMT. A. DHANWATI CHANDELA APetitioner
Through: Mr. Bahar U-Barqi, Mr. Maroof
Ahmad, Advs.

versus

SHRI MANJINDER SINGH SIRSARespondent

Through: Mr. Sanjay Jain, Sr. Adv. with Mr.
Neeraj, Mr. Shoumendu Mukherji,
Ms. Megha Sharma, Mr. Nishank
Tripathi, Mr. Aniruddha Ghosh, Advs.
for R-1
Mr. Rajeev Sharma, Mr. Vinayak
Sharma, Advs. for Returning Officer

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

I.A. 29477/2025 (seeking recall of order dated 25.09.2025)

I.A. 29719/2025(seeking condonation of delay in filing the written statement)

1. I.A. 29477/2025 has been filed by Respondent No. 1 for seeking recall of the order dated 25.09.2025, whereby his right to file reply to the Election Petition has been forfeited.

2. I.A. 29719/2025 has also been filed by Respondent No. 1, seeking condonation of delay of 37 days in filing the written statement and praying for the written statement to be taken on record.



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3. Mr. Sanjay Jain, learned senior counsel appearing on behalf of the applicant/Respondent no. 1 states that the applicant was initially served with the paper-book on 25.04.2025. He states that the Election Petition has been filed substantially on the basis of the allegations made, relying upon particular CDs. He states however, the CDs were not served upon the Respondent No. 1 on 25.04.2025, itself.

3.1 He states that Respondent No. 1 requested for the CDs by communications dated 05.05.2025 and 01.07.2025, however, no CDs were provided and therefore Respondent No. 1 filed I.A. no. 17399/2025 seeking directions to the Petitioner for providing the Respondent No. 1, with the CDs. He states that the said application was allowed by the learned Joint Registrar, with the consent of the Petitioner, and the CDs were supplied to Respondent No. 1 on 01.08.2025.

3.2 He states that, therefore the Election Petition along with the CDs was received in its entirety by the Respondent No. 1 on 01.08.2025 and the period of 30 days for filing of the written statement ought to be reckoned from the said date. He submits that the period of 30 days expired on 31.08.2025 and on the same day Respondent No. 1 e-filed its reply with the Registry. He states that defects, in the written statement, were marked on 12.09.2025, the same were removed, albeit belatedly on 08.10.2025, when the written statement was re-filed after removing all the defects. He states that in this process there has been a delay of 37 days beyond the original period of 30 days and this Court may condone this delay and, if deemed appropriate, impose costs.

3.3 He states that the written statement along with affidavit of admission/denial of documents stands served on the Petitioner, on 07.10.2025.



3.4 He states that Respondent No. 1 had undertaken before this Court on 25.08.2025 that the written statement will be filed within one (1) week and it was indeed e-filed on 31.08.2025. He states that the delay beyond 31.08.2025 occurred on account of the marriage of the daughter of Respondent No. 1 and due to ineffectiveness of the filing counsel.

3.5 He states that these facts may be taken into consideration and the order dated 25.09.2025 of forfeiting the right to file written statement of the Respondent No. 1 maybe recalled.

3.6 He states that the period for filing the written statement ought to be governed by Order VIII Rule 1 of the Code of Civil Procedure, 1908, [‘CPC’], which is directory in nature and not by the Delhi High Court (Original Side) Rules, 2018 (‘DHC Rules’).

4. In reply, Mr. Barqi, learned counsel for the Petitioner states that Respondent No. 1 was duly served with the pleadings on 26.03.2025, and again on 28.03.2025.

4.1 He states that Respondent No. 1 entered appearance in these proceedings on 25.04.2025 and sought four (4) weeks’ time to file its written statement. He states that, no objection with respect to non-receipt of CDs was raised on 25.04.2025.

4.2 He states that the proceedings held on 23.07.2025 are a matter of record and indeed CDs were supplied to Respondent No. 1 on 01.08.2025.

4.3 He states that on 19.08.2025, before the learned Joint Registrar, Respondent No. 1 sought further time to file its written statement and it was reasonably expected that the same would be filed on or before 25.08.2025, as it was the next date of hearing. He states that, however, Respondent No. 1



defaulted in filing its written statement on 25.08.2025 and was granted last opportunity by one (1) week to file the written statement.

4.4 He states that though the Respondent No. 1 allegedly e-filed its reply on 31.08.2025, it failed to serve an advance copy of the same to the Petitioner. He states that, in these facts, when the matter was next listed before this Court on 25.09.2025, the written statement was still not on record and had not been served on the Petitioner. He states that, in these facts, therefore the Court rightly forfeited the Respondent No. 1's right to file written statement as there was willful negligence.

4.5 He states that the period for filing written statement ought to be governed by strict timelines as provided in the DHC Rules.

5. This Court has heard the learned counsel for the parties and perused the record.

6. At the outset, this Court enquired from Mr. Barqi, learned counsel for the Petitioner with respect to the first date of providing the CDs, to the Respondent No. 1. Mr. Barqi fairly stated that he is not aware of any date prior to 01.08.2025 as the present matter is being handled by a battery of lawyers and he is unable to ascertain any other date on which the CDs may have been supplied.

7. Mr. Jain, learned senior counsel for Respondent No. 1 states that the CDs were supplied for the first time on 01.08.2025, in pursuance of the order dated 23.07.2025 and therefore this issue is not in contest any more. He relies upon the contents of I.A No. 17399/2025 and the order dated 23.07.2025 passed by the learned Joint Registrar.

8. In the aforementioned facts, this Court is of the considered opinion that indeed the CDs were first received by Respondent No. 1 on 01.08.2025, even



though the pleadings were received on or before 25.04.2025. In this factual scenario, this Court is satisfied that Respondent No. 1's time for filing written statement within 30 days has to be reckoned from 01.08.2025.

9. No doubt, a perusal of the orders dated 19.08.2025, 25.08.2025 and 25.09.2025 show that Respondent No. 1, even after receiving the CDs on 1.08.2025 exhibited a lackadaisical approach in filing the written statement despite seeking opportunities. Respondent No. 1 was admittedly served with the pleadings on or before 25.04.2025 and it rambled about until 23.07.2025 to obtain the CDs. It was in these circumstances that this Court was compelled to draw an adverse inference against the Respondent No. 1 for delaying the completion of pleadings, which lead to the passing of the order dated 25.09.2025 forfeiting the right of the Respondent No. 1 to file a reply to the main petition.

10. However, since Respondent No. 1 has now taken remedial steps by duly serving its written statement on Petitioner and ensuring that all office objections are removed and written statement is brought on record, this Court is inclined to recall the order dated 25.09.2025 and condone the delay of 37 days after reckoning the limitation from 01.08.2025. The delay is condoned subject to payment of costs of Rs. 1 lakh.

11. The costs of Rs. 1 lakh will be paid as under: (i) Rs. 50,000/- to the Petitioner; (ii) Rs. 25,000/- to Delhi High Court Staff Welfare Fund [A/c No. 15530110074442]; (iii) Rs. 25,000/- to Delhi High Court Bar Clerk's Association [A/c No. 15530100006282]. The costs are to be paid within one (1) week.

12. Mr. Jain, learned senior counsel for the Respondent No. 1 states that the imposition of aforesaid costs is acceptable and will be duly paid.



13. Before concluding, this Court deems it appropriate to deal with the legal submission of the parties with respect to the rules/procedure which shall govern the timelines for filing written statement. With respect to the contention of the Petitioner as regards the applicability of strict timelines for filing written statement as per Chapter VII of Delhi High Court (Original Side) Rules, 2018 ['DHC Rules, 2018'] and the rival submission of the Respondent that the right to file the written statement shall be governed by Order VIII Rule 1 CPC and not the DHC Rules, 2018, this Court has considered the said submissions.

14. The DHC Rules, 2018 contains a distinct Chapter XXVI which pertains to Election Petitions. The said Chapter states that the extant Rules made by the High Court regarding Election Petitions under the Representation of Peoples Act, 1951 ('Act of 1951') stand incorporated by inclusion in these Rules. The High Court has framed Election Rules under Act of 1951, which were published in the Gazette on 18.05.1967. Issuance of summons for filing of written statement is stipulated at Rule 8 of the Election Rules and the said Rule does not prescribe a time limit for filing of the written statement. The said Election Rules are comprehensive and prescribe the procedure to be followed for the adjudication of the petition. However, Rule 26 therein clarifies that if there is no specific provision made in the Act of 1951 or in these Rules, then CPC shall apply.

15. Section 87 of the Act of 1951 itself provides that an Election Petition shall be tried by the High Court as nearly as may be in accordance with procedure applicable under the CPC, subject to the provisions of the Act and the Rules made thereunder.



16. This Court notes that, as a matter of fact, the summons issued to the Respondent in this petition directed the Respondent to file its written statement within four (4) weeks, in terms of the order dated 27.03.2025 passed by the Court. The said summons have been issued in a form(at) distinct from the summons issued for ordinary civil suit and commercial suits, which contain the direction to file the written statement in a time bound manner in terms of Chapter VII of the DHC Rules, 2018. This Court is of the considered opinion that timelines for filing written statements in Chapter VII of DHC, Rules, 2018 or Order VIII Rule 1 CPC are not applicable to Election Petitions and the time to file written statement is to be decided by the Court while issuing summons, as contemplated in Rule 8 and this period could be less than four (4) weeks also. The power of the Court to condone the delay in filing the written statement is not curtailed under the Election Rules, however, since the Election Petition itself has to be decided expeditiously, the Court is bound to exercise its discretion while condoning the delay, only if sufficient cause is shown, keeping in view the aforesaid mandate of the Act of 1951. This issue is decided accordingly.

17. With the aforesaid directions, the applications are allowed. The order dated 25.09.2025 is hereby recalled. The delay of 37 days in filing the written statement is condoned. The written statement along with affidavit of admission/denial of documents is taken on record.

18. The applications are accordingly disposed of.

I.A. 24258/2025(seeking closing the right of the Respondent to file the reply)

19. This is an application filed by the Petitioner seeking closing of the right of Respondent to file its reply to the main petition.



20. This application was filed on 16.09.2025. Thereafter, vide order dated 25.09.2025, Respondent's right to file reply had been forfeited. This application had therefore become infructuous as on 25.09.2025, however, no orders were passed in this application.

21. However, considering the orders passed hereinabove in I.A. 29477/2025 and I.A. 29719/2025 recalling the order dated 25.09.2025 and taking the written statement of Respondent on record, the relief sought in the captioned application does not survive for consideration.

22. Thus, the application is accordingly disposed of, in view of the orders passed earlier today.

I.A. 29435/2025

23. This is an application filed by the Petitioner in continuation of the I.A. 24259/2025 and the reliefs prayed for is also identical to the reliefs sought in I.A. 24259/2025.

24. Accordingly, the application is dismissed as withdrawn.

I.A. 24259/2025 (for directions)

25. This is an application filed by the Petitioner seeking directions to Returning Officer/SDM, Rajouri Garden to provide CCTV camera records of all 163 polling stations to the Petitioner against the charges/payment made by the Petitioner.

26. Issue notice. Mr. Rajeev Sharma, Advocate appearing on behalf of the Returning Officer accepts notice. He seeks and is granted two weeks' time to file reply. Rejoinder, if any, within two weeks thereafter.

27. List before the learned Joint Registrar on **06.05.2026**.



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28. Learned counsel for the Petitioner seeks and is granted two (2) weeks' time to file rejoinder along with Affidavit of admission/denial of documents filed by Respondent No. 1.

29. Learned counsel for the Petitioner also seeks liberty to file additional documents with the rejoinder. Liberty is granted.

30. So also, learned senior counsel for Respondent No. 1 seeks liberty to file additional documents after perusing the rejoinder of the Petitioner. Similarly, liberty is granted to Respondent No. 1 to file additional documents within two (2) weeks from receiving the rejoinder.

31. Parties shall ensure that the aforesaid exercise is completed within four (4) weeks. They will also file affidavit of admission/denial of additional documents.

32. The pleadings in the Election Petition and the applications are in a single e-folder. The Registry is directed to create a separate folder for the applications which stand disposed of.

33. List before the learned Joint Registrar (J) on **06.05.2026** for completion of pleadings and recording admission/denial of documents as well as marking of exhibits.

34. List before Court for settlement of issues on **22.05.2026**.

MANMEET PRITAM SINGH ARORA, J

APRIL 10, 2026/hp/IB/msh