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

% *Judgment Delivered on: 12.03.2026*

+ **CS(OS) 353/2024**

MRS. RATANA RAZDAN AND ORSPlaintiffs

Through: Mr. Amitabh Chaturvedi and Mr.
Ankit Monga, Advs.

versus

SH. VIKAS NARANG AND ORSDefendants

Through: Ms. Richa Verma, Adv. for D-2 &
D-3.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J (OPEN COURT)

I.A. 29825/2025 (under Section 5 of Limitation Act, 1908 r/w Section 151 CPC seeking condonation of delay of 142 days)

O.A. 209/2025 (under Rule 5 of Chapter II of DHC (Original Side Rules), 2018 r/w Section 151 CPC against the impugned order dated 20.05.2025 whereby learned JR erroneously closed right of D-2 & 3 to file their written statement)

1. The present O.A has been filed by the defendant nos.2 and 3 against the impugned order dated 20.05.2025 passed by the learned Joint Registrar, *vide* which the right of defendant nos. 2 and 3 to file written statement was closed. The captioned IA has been filed seeking condonation of 142 days delay in filing the O.A.

2. Ms. Richa Verma, learned counsel for defendant nos. 2 and 3, submits



that the defendants were served with summons on 04.05.2024 and the written statement was filed on 17.05.2024, well within the prescribed period of thirty days, but it remained under objection thereafter.

3. She submits that the erstwhile counsel for defendant nos. 2 and 3 did not take any step to remove the objections and have the written statement refiled. In the meanwhile, the parties were referred to mediation on 03.12.2024, which continued for a period of one year, but eventually the mediation failed in the month of December 2025.

4. She contends that the period which has been spent in mediation ought to have been excluded by the learned Joint Registrar while calculating the time period for filing the written statement.

5. *Per contra*, Mr. Amitabh Chaturvedi, learned counsel for the plaintiffs, argues that the service of summons was effected on the defendant nos. 2 & 3 on 04.05.2024 and the 30-day period for filing the written statement expired on 04.06.2024, while the maximum period of 120 days expired on 02.09.2024, which was much before the date of 03.12.2024, when the matter was referred to mediation.

6. He further contends that even till date the objections have not been removed by defendant nos. 2 and 3 and the written statement was never refiled alongwith an application seeking condonation of delay.

7. He submits that the learned Joint Registrar had given repeated opportunities to defendant nos. 2 and 3 *vide* orders dated 10.07.2024, 19.09.2024, 03.12.2024 and 14.02.2025 to remove the objections, yet no steps were taken to remove the objections despite the fact that during various hearings, the defendant nos. 2 and 3 also appeared in-person.



8. Mr. Chaturvedi further contends that the period spent in the process of mediation cannot be excluded for the purpose of calculating the maximum period of 120 days to file the written statement. In support of his contention, he places reliance on the decision of the Division Bench of this Court in *Amit Tara and Ors. vs. Deepak Tara and Ors : 2024 SCC OnLine Del 7900*.

9. Reliance has also been placed by Mr. Chaturvedi on the decision of yet another Division Bench of this Court in *Mr. Sunny Sangwan vs. Dr. Saurabh Shandilya Through His Duly Constituted Attorney Mr. Nikhil Prasad Ojha & Anr. [FAO (OS) 24/2025; Decided on: 21.11.2025]*, to contend that sustained noncompliance, as in the present case, is ought not be condoned.

10. I have heard learned counsels for the parties and have perused the record.

11. The learned Joint Registrar by an impugned order dated 20.05.2025 has closed the right of defendant nos. 2 and 3 to file the written statement on the ground that they have failed to remove the objections despite having been granted opportunities to remove the same.

12. The defendant nos. 2 and 3 were served on 04.05.2024. Undisputedly, the written statement was filed on 17.05.2024 i.e. within the prescribed period of 30 days, but on 18.05.2024 certain objections were raised by the Registry to the effect that one time process fee was not filed, affidavit of Admission/Denial not filed, *vakalatnama* be filed in the category of *vakalatnama*, Annexures be filed as documents along with list of documents by separate diary number. However, no efforts were made by



defendant nos. 2 and 3 to remove the objections. The record also shows that the learned Joint Registrar *vide* orders dated 10.07.2024, 19.09.2024, 03.12.2024 and 14.02.2025 had given opportunities to defendant nos. 2 & 3 to remove the objections, but the said opportunities were not availed by defendant nos. 2 and 3.

13. As per Rule 3¹ of Chapter IV of Delhi High Court (Original Side) Rules 2018, (hereinafter, 'the Rules'), the total time period for re-filing in aggregate, after accounting for all extensions, cannot exceed 30 days.

14. As per order dated 14.02.2025, the learned Joint Registrar gave further opportunity to remove objections. The defendant nos. 2 & 3, however, did not remove the objections within the period of 30 days, which expired on 14.03.2025. Even till the time the impugned order was passed by the learned Joint Registrar on 20.05.2025, the objections had not been removed by the defendant nos. 2 and 3.

15. It is also not in dispute that even the present counsel for the defendant nos. 2 & 3 had filed her *vakalatnama* on 05.03.2025, whereas the impugned order was passed more than two months thereafter, still no steps were taken to remove the objections and refile written statement with an application seeking condonation of delay. The ground taken by the defendants' counsel

¹ 3. *Defective pleading/ document.-*

(a) *If on scrutiny, the pleading/ document is found defective, the Deputy Registrar/ Assistant Registrar, Incharge of the Filing Counter, shall specify the objections, a copy of which will be kept for the Court Record, and return for amendment and re-filing within a time not exceeding 7 days at a time and 30 days in aggregate.*

(b) *If the pleading/ document is not taken back for amendment within the time allowed under sub-rule (a), it shall be registered and listed before the Court for its dismissal for non-prosecution.*

(c) *If the pleading/ document is filed beyond the time allowed under subrule (a) the pleading/ document must be accompanied with an application for condonation of delay in re-filing of the said pleading/ document.*

(d) *Any party aggrieved by any order made by the Registrar under this Rule may, within fifteen days of the making of such order, appeal against it to the Judge in Chambers.*



that there was a change of counsel and the earlier counsel did not inform the parties about the defects that were raised by the Registry cannot be accepted, especially when it is borne out from the record that defendant nos. 2 & 3 were appearing in-person during the proceedings. The approach of the defendant nos.2 and 3 was apparently casual and lackadaisical. In the given circumstances, such inordinate delay in refiling of written statement cannot be condoned. The litigants also owe a duty to be vigilant of their own rights and are expected to be equally vigilant about the judicial proceedings pending. Reference in this regard may be had to the decision of Hon'ble Supreme Court in *Nitin Mahadeo Jawale and Ors. vs. Bhaskar Mahadeo Mutke*; 2024 SCC OnLine SC 3468, wherein it was observed thus:

“6. We have noticed over a period of time the growing tendency on the part of the litigants in throwing the entire blame on the head of the advocate. Not only this, we have come across cases where the concerned advocate has filed an affidavit in favour of his client(s) saying that he was unable to attend the proceedings due to some personal reasons difficulties thereby facilitating the litigant to get the delay condoned.

7. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance.

8. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”

(emphasis supplied)



16. Even the present OA has been filed after a delay of 142 days, on the ground that the matter was in mediation and there existed fair prospects of an amicable settlement. Such a ground does not, in any form, constitute a plausible explanation. Such persistent neglect and laxity cannot be countenanced.

17. In *Sunny Sangwan* (supra), dealing with somewhat similar facts, the Division Bench of this Court observed that condoning persistent neglect and permitting a party to proceed despite repeated opportunities would strike at the very foundation of procedural discipline. Courts cannot be expected to shield litigants from the consequences of their own inaction or indifference. The relevant extract from the said decision reads thus:

“20. Rule 3 of Chapter IV of the Delhi High Court (Original Side) Rules, 20188 prescribes that where a pleading is found defective, the total period permitted for re-filing, after accounting for all extensions, cannot exceed 30 days. The Rule also mandates that if any party re-files a document beyond the permitted period, such re-filing must be accompanied by an application seeking condonation of delay. For ease of reference, Rule 3 is reproduced below:-

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21. In the present case, the Appellant has failed to comply with both limbs of Rule 3. The Written Statement, though stated to have been filed on 29.08.2022, was re-filed only on 19.09.2023, well far beyond the maximum permissible 30-day period. Moreover, the Appellant neither filed an application seeking condonation of delay nor furnished any explanation for this extraordinary lapse. This omission constitutes a grave procedural default and reflects a complete disregard for the procedural framework.

22. It further emerges from the record that during the entire



intervening period, despite repeated and explicit directions of the Court, neither the Appellant nor his Counsel took any step to rectify the objections, to re-file the Written Statement in accordance with law, or to ensure that it was duly brought on record. The Appellant remained entirely passive and unmoved in the face of clear and repeated directions. A summary of the relevant orders passed during this period underscores this continued inaction:-

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23. To condone such persistent neglect and permit the Appellant to proceed despite repeated opportunities would strike at the very foundation of procedural discipline. Courts cannot be expected to shield litigants from the consequences of their own inaction or indifference. Extending indulgence in cases of sustained noncompliance not only encourages procedural laxity but also contributes to avoidable delays, thereby undermining the efficient administration of justice and defeating the very purpose of the procedural framework.

24. As a further reflection of the Appellant's sheer laxity, it is pertinent to note that even after the closure of the right to file the Written Statement, the Chamber Appeal itself came to be instituted after a delay of more than six months. Further, as correctly recorded in the Impugned Order, the Appellant has offered shifting and mutually inconsistent explanations for this delay, initially attributing it to the illness of the Counsel's mother, and subsequently altering the explanation to the illness of the Counsel's father. Such contradictory stands, unsupported by any material, severely impair the credibility of the Appellant's case.

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26. We also take note of the fact that, notwithstanding the Counsel for the Appellant having entered appearance on 05.09.2022 and continued appearing on subsequent dates, no



steps were taken either to file the Written Statement in conformity with the Rules or to remove the defects notified. This repeated and unexplained default, despite clear judicial directions, reflects not mere inadvertence but a sustained pattern of negligence and disregard for procedural obligations.

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CONCLUSION:

29. For the aforementioned reasons, we find no ground whatsoever to interfere with the Impugned Order passed by the learned Single Judge. The present Appeal is accordingly dismissed with costs of Rs. 25,000/- (Twenty-Five Thousand Only), to be deposited with Poor Patients' Fund under the aegis of All India Institute of Medical Sciences (AIIMS), New Delhi, within two weeks from today. In case of default, the Registry is directed to list the matter before this Court after the expiry of two weeks for passing appropriate orders in this regard."

(emphasis supplied)

18. The submission that the period spent in the mediation is to be excluded, the same is noted to be rejected. In *Amit Tara (supra)* the Division Bench of this Court has held that the time period mandated under Rule 4 of the Rules cannot be extended beyond 120 days on any ground, including on the ground that mediation/settlement talks were ongoing or pending between the parties during the relevant time for filing of written statement. The relevant extract of the said decision reads thus:

"15. In view of the fact that the constitutional validity of the said Rules has now been upheld in Manhar Sahbarwal (supra) and in view of the decision in Delhi Gymkhana Club Limited (supra), it is settled law that the written statement cannot be filed beyond the period of 120 days prescribed in the DHC (Original Side) rules 2018. Clearly, in the suit, the written statement has been filed beyond the prescribed period under the Rules.



16. Further, the discretion exercised by the Court to condone the delay in filing of the written statement is limited to a period of 90 days after the initial 30 days' time period prescribed under the Rules. The said discretion can be exercised if the Court is satisfied that the Defendant was prevented by sufficient cause for exceptional and unavoidable reasons in filing the written statement within the period of 30 days. Moreover, the time period mandated under the Rule 4 of the Rules cannot be extended beyond 120 days on any ground, including on the ground that mediation/ settlement talks were on going or pending between the parties during the relevant time for filing of written statement. Ld. Single Judge of this Court in Harjot Singh v. Manpreet Kaur [2021 SCC OnLine Del 2629], has considered the mandatory nature of Rule 4 vis-à-vis delay in filing to written statement on the ground of pendency of mediation or settlement talk between parties."

(emphasis supplied)

19. In view of the above discussion, the present O.A & IA, are devoid of merit.

20. Accordingly, the same are dismissed.

I.A. 780/2026 (by D-2 & D-3 under Order XXXIX Rule IV r/w Section 151 CPC for vacation of stay or modification of order of interim relief dated 03.05.2024 to carry out urgent and indispensable repairs in the suit property with due permission of concerned department)

21. Reply to the application is stated to have been filed by the plaintiffs, however, the same is not on record.

22. Let learned counsel for the plaintiffs, pursue with the Registry and have the reply placed on record.

23. Rejoinder thereto, if any, be filed before the next date.

24. List on 22.07.2026.



2026:DHC:2316



CS(OS) 353/2024

25. List before the learned Joint Registrar for further proceedings on 10.04.2026, the date already fixed.

MARCH 12, 2026/dss

VIKAS MAHAJAN, J