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

% ***Date of Decision: 08th July, 2025***

+ **CM(M) 1170/2025 & CM APPL. 39426-39427/2025**

GOVIND SINGH NAINWALPetitioner

Through: Mr. Sandeep Singh Nainwal,
Advocate

versus

DEEPAK KHOSLA AND ANRRespondent

Through: Mr. Deepak Khosla, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court and takes exception to order dated 12.06.2025 whereby the learned Trial Court has condoned the delay in filing written statement.
2. Undoubtedly, as per the observations appearing in the impugned order, there was delay of around 163 days in filing written statement. However, at the same time, learned Trial Court was also mindful of the fact that such suit was a regular suit, and not a commercial one, and the timeline for filing written statement was directory and not mandatory.
3. Undoubtedly, defendant should have been quick in submitting the written statement.
4. However, at the same time, merely because delay in filing written statement has been condoned would not *ipso facto* mean that any such plaintiff can invoke supervisory jurisdiction under Article 227 of the



Constitution of India. The discretionary powers exercised by the learned Trial Court, cannot be interfered unless there is illegality or perversity in the order. No compelling reason exists to interfere, particularly when the time-line for filing written statement was directory and not mandatory. Accordingly, the present petition is dismissed. Pending applications also stand disposed of in the aforesaid terms.

5. Learned counsel for the petitioner has, however, submitted that cost has not yet been paid.

6. Mr. Deepak Khosla, defendant no. 1 has appeared in person and joined the proceedings through *videoconferencing* on the basis of advance notice and assures that cost would be paid without any further delay. Let it be done.

(MANOJ JAIN)
JUDGE

JULY 8, 2025*/dr/shs*