



2025:DHC:6893



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 13th August, 2025*

+ CM(M) 1207/2025 & CM APPL. 40791-40792/2025

SANTOSH SINGHPetitioner

Through: Ms. Vandana Rani, Advocate.

versus

SATVINDER KAURRespondent

Through: Ms. Ritika Babbar, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is defending a summary suit.
2. Learned Trial Court heard the arguments on leave to defend and granted unconditional leave to defend vide order dated 14.05.2024.
3. Simultaneously, defendant (petitioner herein) was granted time of 30 days to file written statement and the matter was adjourned to 14.08.2024.
4. Fact remains that the abovesaid direction given by the learned Trial Court to file written statement within a period of thirty days was not taken seriously enough by the defendant as he filed the written statement on the date fixed only i.e. on 14.08.2024.
5. Learned Trial Court, in view of the abovesaid delay, has refused to take the written statement on record while observing that it was not even accompanied with any application seeking condonation of delay. In addition, his defence was also struck-off.
6. The present petition has been filed by the defendant with the prayer that the abovesaid order dated 14.08.2024 be set aside and he may be permitted to participate in the proceedings and his written statement may be taken on record and his defence may also be restored.
7. Admittedly, the petitioner should have been cautious enough and



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should have ensured that the written statement was filed within the time granted by the Court.

8. However, the suit in question is a ‘regular suit’ and not a commercial one and, therefore, even if there were some delay in filing the written statement, it should have been condoned, while imposing certain condition/cost upon the defendant.

9. Since the unconditional leave to defend had been granted to the defendant, what was given by one hand has, virtually, been snatched back by the other, *albeit*, primarily, on account of inaction on the part of defendant.

10. Keeping in mind the overall facts of the case, the present petition is disposed of with the direction that such written statement would be deemed to be on record.

11. However, for not filing the written statement within the time granted by the learned Trial Court and for causing consequent delay in the suit in question, the petitioner is also burdened with a cost of Rs. 15,000/- which shall be paid to plaintiff within 10 days from today.

12. Learned Trial Court is requested to proceed further with the matter in accordance with law.

13. Petition stands disposed of in aforesaid terms.

14. Pending applications also stand disposed of.

(MANOJ JAIN)
JUDGE

AUGUST 13, 2025/sw/SHS