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

% *Date of Decision: 20th August, 2025*

+ CM(M) 1189/2025 & CM APPL. 40001/2025

SH. RAMA KANT SINHA AND ANR.Petitioners

Through: Mr. Abhay Kumar, Mr. Krishna Arora, Adv. alongwith petitioners in person.

versus

SH. BHUPESH KUMAR BANSALRespondent

Through: Mr. Jairam Garg, Adv.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners are defendants No.1 and 2 before learned Trial Court and are aggrieved by order dated 02.06.2025 whereby their right to file written statement has been closed.
2. Apparently, there was appearance from their side before the learned Trial Court on 25.03.2025 and the proceedings dated 25.03.2025 also indicate that one of the petitioners was present in the court and copy of plaint and documents, which had been received back with the 'unserved summons', were supplied to him by the learned Trial Court with the direction to file written statement within 30 days. The direction was quite specific and categorical and defendant No.1 was impressed upon to submit written statement within 30 days.
3. However, when the matter was taken up on the next date of hearing i.e.



02.06.2025, noticing that the written statement had not been filed and, no application seeking extension of time had been filed either, the right to file written statement has been closed.

4. Such order is under challenge.

5. Learned counsel for respondent/plaintiff submits that there is no explanation coming from their side as to why they did not file written statement within the initial prescribed period of 30 days.

6. Admittedly, in case, defendants were unable to file written statement within the prescribed initial period of 30 days, they could have moved application seeking extension of time. Nothing of that kind was contemplated.

7. Be that as it may, learned counsel for respondent/plaintiff submits that though the petitioners do not deserve any leniency and compassion, in order to ensure that there is no further delay in his own suit, he would have no objection, if written statement is directed to be taken on record in a time-bound manner, subject to imposition of exemplary cost.

8. Keeping in mind the gracious concession given by learned counsel for respondent/plaintiff, the petition is disposed of with direction that petitioners herein i.e. defendants No.1 & 2 would submit their written statements before learned Trial Court on 25.08.2025 i.e. the date fixed before the learned Trial Court. They would also specify their current addresses while filing such written statements.

9. For causing delay in the matter, petitioners are burdened with cost of Rs.20,000/- which would be paid to the respondent/plaintiff on the abovesaid date before the learned Trial Court.

10. This Court expects that the defendants would not, in future, take unnecessary adjournments so that the learned Trial Court is in a position to



dispose of the suit expeditiously.

11. Petition stands disposed of in aforesaid terms.
12. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

AUGUST 20, 2025/ck/PB