



2025:DHC:7416



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 26th, August, 2025***
+ CM(M) 1449/2025 & CM APPL. 47564/2025 & CM APPL.
47565/2025

MEENAKSHI SHARMA

.....Petitioner

Through: Mr. Sudhir Shokeen, Adv. alongwith
petitioner in person.

versus

RANVEER SINGH

.....Respondent

Through: Mr. Mohit Batra, Adv. alongwith
respondent in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which is commercial in nature.
2. Respondent/plaintiff is seeking his ejection, arrears of rent/damages and *mesne profit*.
3. Defendant takes exception to order dated 26.05.2025 whereby his written statement has been directed to be taken off the record.
4. His contention is two-fold.
5. Firstly, the written statement was filed within the permissible outer limit of 120 days. The defendant was, reportedly, served on 22.01.2025 and the written statement was filed on 17.05.2025. It is submitted that even if, at the time of filing of written statement, it was not accompanied by any application seeking condonation of delay, learned Trial Court should not have directed the written statement to be taken off record for the abovesaid reason



only. Secondly, when learned Trial Court had taken up the matter on 23.04.2025, the learned Trial Court, itself, granted defendant four weeks' time to file written statement and the same has been filed within a period of four weeks as granted by learned Trial Court.

6. Learned counsel for respondent/plaintiff does not dispute the factual aspects. He, however, submits that when the written statement was filed on 17.05.2025, since there was delay, the defendant should have filed an application seeking condonation of delay alongwith written statement. He also submits that the initial period of filing written statement is 30 days and the defendant should not have waited for the expiry of period of 120 days.

7. Fact, however, remains that the written statement could not have been directed to be taken off record, merely, for the reason that the application seeking condonation of delay had been filed beyond the period of 120 days. Reference in this regard be made to *A.P. Distributors & Anr. v. OK Play India Pvt. Ltd., 2022 SCC OnLine SC 1512*.

8. After hearing arguments for some time, learned counsel for respondent/plaintiff submits that since the written statement is otherwise within the outer permissible limit of 120 days, he would have no objection, if the written statement is directed to be taken on record, *albeit*, subject to imposition of heavy cost. He, however, also supplements that thereafter, there is a subsequent development in the suit in question, as there is a partial decree with respect to possession in their favour which has been passed under Order XIII A CPC.

9. Learned counsel for petitioner/defendant does not dispute the abovesaid fact and submits that the defendant, as advised, would take appropriate steps in relation to the abovesaid decree.



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10. Be that as it may, keeping in mind the overall facts and circumstances of the case as also the fact that the written statement is otherwise within the permissible outer limit of 120 days and also in view of gracious concession given by learned counsel for respondent/plaintiff, the present petition is disposed of with direction that the written statement shall be deemed to be on record. However, for causing delay in the matter, the cost of Rs.25,000/- is imposed upon the petitioner/defendant, which shall be payable to respondent/plaintiff within two weeks from today.

11. Learned Trial Court would be at liberty to proceed further with the matter, in accordance with law. It is entirely upto the defendant if he wants to challenge the decree passed under Order XIII A CPC.

12. Petition stands disposed of in aforesaid terms.

13. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 26, 2025/ck/js