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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 27th, August, 2025*+ CM(M) 1633/2025 & CM APPL. 53349/2025
KUSUM CHAWLA

.....Petitioner

Through: Mr. Ankit Jain, Sr. Advocate with Mr.
Mohit Gupta, Ms. Anisha Gupta, Mr.
Mohit J. and Ms. Navjot Kaur,
Advocates.

versus

MEENU CHAWLA AND ANR

.....Respondent

Through: None.

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

1. The petitioner has filed a suit against her daughter-in-law and grandson.
2. It is a suit for mandatory injunction and permanent injunction and the petitioner is seeking direction to defendants to remove their belongings, articles lying in the suit property and to handover the possession to the plaintiff.
3. Admittedly, the defendants were served on 08.09.2024 and there is delay from their side in filing the written statement.
4. As per the impugned order, the delay is of 68 days and the learned Trial Court, while condoning the abovesaid delay, has directed the written statement to be taken on record.
5. All in all, the application moved by the defendants under Order VIII Rule 1 CPC has been allowed subject to cost.
6. Such order dated 28.07.2025 is under challenge.
7. Learned Trial Court was of the view that the disputes involved in the suit in question could be effectively answered only after having response of the



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defendant. It also observed that the suit was at initial stage as the issues had yet not been framed and it also made reference to one another suit i.e. Partition Suit which was pending between the parties with respect to the suit property itself. It also observed that the parties were earlier also trying to Mediate though such Mediation had failed.

8. Keeping in mind the abovesaid aspects, the learned Trial Court has condoned the delay of 68 days in filing the written statement.

9. It is argued that the abovesaid reasons were not even mentioned by the defendants in their application moved under Order VIII Rule 1 CPC and, therefore, these should not have, even otherwise, weighed with the learned Trial Court. The petitioner relies upon *Mohammed Yusuf vs. Faij Mohammad And Others: (2009) 3 Supreme Court Cases 513* and *Atcom Technologies Limited vs. Y.A. Chunawala And Company And Others: (2018) 6 Supreme Court Cases 639*. Learned Senior Counsel for the petitioner/plaintiff submits that there was no reason, much less a compelling one to have condoned the delay.

10. Admittedly, the suit in question is a regular suit and not a commercial one and, therefore, the time period for filing written statement is not a rigid and inflexible one.

11. It is rather directory in nature.

12. Undoubtedly, the filing of the written statement is beyond the prescribed period of 90 days but keeping in the mind the nature of the dispute between the parties and the fact that the defendant No.1 is daughter-in-law and defendant No.2 is the grandson of the plaintiff, the learned Trial Court has condoned the delay.

13. Learned Senior Counsel for petitioner submits that no other suit was pending adjudication before any Court of law and though the parties were referred to Mediation but it was long back and such Mediation stood closed in



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January, 2024 and, therefore, the learned Trial Court should not have got swayed by the abovesaid aspects.

14. Be that as it may, this Court is conscious of the limited scope of interference while entertaining any such petition under Article 227 of Constitution of India.

15. The interference is permissible only when there is some gross illegality and perversity in the order.

16. Merely because, the exercise of discretion is liberal in nature would not mean that the Court should interfere and take a different view. Importantly, there is nothing to demonstrate that the discretionary powers have been exercised arbitrarily or illegally.

17. Viewed thus, the petition is hereby dismissed.

18. The pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 27, 2025/ss/shs