



2025:DHC:10230-DB



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

Judgment reserved on: 30.10.2025

Judgment pronounced on: 21.11.2025

+ **FAO(OS) 24/2025**

MR. SUNNY SANGWANAppellant

Through: Mr. Raman Kapoor, Senior Advocate with Mr. Shoeb Shakeel and Mr. Sahim Khan, Advocates.

versus

DR. SAURABH SHANDILYA THROUGH HIS DULY CONSTITUTED ATTORNEY MR. NIKHIL PRASAD OJHA & ANR.Respondents

Through: Mr. Ravi Kapoor, Mr. Rishav Ambastha and Mr. Pranay Aggarwal, Advocates for Respondent Nos. 1 and 2.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

JUDGMENT

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Appeal, filed under Section 10 of the Delhi High Court Act, 1966 read with Section 151 of the **Civil Procedure Code, 1908**¹, assails the **Order dated 14.01.2025**² passed by the learned Single Judge in CS (OS) No. 341/2022, titled “Saurabh Shandilya &

¹ CPC

² Impugned Order



Anr. v. Sunny Sangwan & Ors”.

2. By the Impugned Order, the learned Single Judge dismissed **Chamber Appeal bearing O.A. No. 58/2024³** and I.A. No. 6856/2024, which had been preferred for setting aside the Order dated 26.09.2023 passed by the learned Joint Registrar, whereby the right of the Appellant/Defendant No. 1 to file the Written Statement and the Affidavit of Admission and Denial was closed. The said Chamber Appeal was accompanied by I.A. No. 6856/2024, seeking condonation of a delay of 170 days in filing the Appeal.

BRIEF FACTS:

3. Briefly stated, the Respondents/Plaintiffs instituted CS(OS) No. 341/2022 in the year 2022, pursuant to which summons were issued to all the Defendants, including the Appellant herein. The Appellant received the summons in June 2022.

4. The Written Statement on behalf of the Appellant/Defendant No. 1 was allegedly filed on 29.08.2022; however, the same was returned under objection. The said Written Statement was filed again on 19.09.2023 without any application for condonation of delay.

5. On 26.09.2023, the learned Joint Registrar, relying upon **Rule 4 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018⁴** and the judgment of this Court in **Charu Agrawal v. Alok Kalia and Ors.⁵**, closed the right of the Appellant/Defendant No. 1 to file the Written Statement and the Affidavit of Admission and Denial, and further directed that the same, having been filed after an inordinate delay, be taken off the record.

³ Chamber Appeal

⁴ Rule 4

⁵ 2023 SCC OnLine Del 1238



6. The Appellant/Defendant No. 1 thereafter preferred a Chamber Appeal against the Order dated 26.09.2023; however, the learned Single Judge, by the Impugned Order, upheld the decision of the learned Joint Registrar.

7. The short question that arises in the present matter is whether the Written Statement that admittedly was filed or re-filed at a highly belated stage can be taken on record or not, and to this effect, whether the orders passed by the learned Joint Registrar and as confirmed by the learned Single Judge are correct.

8. While dismissing the Chamber Appeal, the learned Single Judge, *vide* the Impugned Order dated 14.01.2025, undertook a detailed analysis of the assertions made by the Appellant. For ready reference, the Impugned Order is reproduced in its entirety as follows:-

“O.A. 58/2024 (For setting aside order dated 26th September 2023) & I.A. 6856/2024 (For condonation of 170 delay in filing the WS)

1. This Chamber Appeal has been filed for setting aside the order dated 26th September 2023, passed by Joint Registrar closing the right of the defendant no. 1 to file the written statement.

2. In the said appeal it is stated that the Written Statement is filed *vide* diary No. 1442909/2023, along with documents, on 19th September 2023.

3. Counsel for the defendant states that summons were received on 21st June 2022.

4. There were objections on the Written Statement and the affidavit of admission denial and the defendant no. 1 refiled it after removing the objections.

5. Counsel for the plaintiff has raised a preliminary objection for entertaining this Chamber Appeal, considering that there is a delay of 170 days in filing the Chamber Appeal itself, which is much beyond the prescribed limitation period of 15 days.

6. The perusal of the said application for condonation of delay in filing Chamber Appeal simply states that due to the illness of the counsel's mother, he could not devote time and effort to this issue or to the matter and there was a lapse in communication with the legal representative.



7. Today, counsel for the defendant submits quite otherwise; he states that the delay of filing the Written Statement was due to the illness of his father and he could not be prompt in clearing the objections.

8. A perusal of the impugned order of 26th September 2023, would show that the Written Statement was filed on behalf of the defendant vide diary no. 1767583 on 21st September 2023.

9. It is also noted that the counsel for defendant no. 1 had appeared on 5th September 2022 and it was recorded that the Written Statement filed vide diary no. 1442909 was returned under objections and defendant no. 1 was directed to take appropriate steps.

10. Despite that, Written Statement was filed much later, on 19th September 2023, about a year later, and with no application for condonation of delay. Accordingly, the right to file a Written Statement was closed by the said order.

11. Counsel for plaintiff has relied upon the decisions of this Court in **Lovely Pal v. Honey Chandel Honi Pal** 2024 SCC OnLine Del 221 and **New Delhi Television Ltd. v. M.J. Akbar** 2018 sec OnLine Del 9152.

12. In **Lovely Pal** (*supra*), a Division Bench of this Court, while upholding the impugned order of the Single Judge rejecting the Chamber Appeal for condonation of delay, noted as under:

“9. The learned Single Judge has rightly observed that the medical documents of Appellant No. 2 placed on record to justify non-filing of the Written Statement are all dated after the order has been passed by learned Joint Registrar on 07.09.2022. So also, the learned Single Judge has rightly observed that the Appellants negligent conduct in failing to file Written Statement between 30.10.2021 until 07.09.2022 (before the Joint Registrar) and the unusual delay of 175 days in filing the Chamber Appeal on 13.03.2023 are all indicative of the wilful default in filing the written statement. The Appellants are unable to point out any error in the said findings.

*10. The Supreme Court in the case titled as **Kailash v. Nanku**, (2005) 4 SCC 480 has clearly stated that the prayer of the defendant seeking time beyond 90 days for filing the Written Statement has to be granted by way of an exception. In the said judgment the Court held that extension cannot be granted to a defendant which has been lax or grossly negligent. The relevant portion of the judgment reads as under:*

“43. A prayer seeking time beyond 90 days for filing the Written Statement ought to be made in writing In its judicial discretion exercised on well-settled parameters, the court may indeed put



the defendants on terms including imposition of compensatory costs and may also insist on an affidavit, medical certificate or other documentary evidence (depending on the facts and circumstances of a given case) being annexed with the application seeking extension of time so as to convince the court that the prayer was founded on grounds which do exist.

44. The extension of time shall be only by way of exception and for reasons to be recorded in writing, howsoever brief they may be, by the court. In no case, shall the defendant be permitted to seek extension of time when the court is satisfied that it is a case of laxity or gross negligence on the part of the defendant or his counsel. The court may impose costs for dual purpose : (i) to deter the defendant from seeking any extension of time just for the asking, and (ii) to compensate the plaintiff for the delay and inconvenience caused to him."

(emphasis supplied)

13. In *New Delhi Television Ltd.* (supra), it was observed by a Co-ordinate Bench of this Court as under:

"36. There is another aspect of the matter. The lawyers of the plaintiff who have been appearing are fully aware and are deemed to be aware of the law of limitation applicable to the filing of a Chamber Appeal. Even if, there were talks of settlement, the same did not prevent the plaintiff from filing a Chamber Appeal within the prescribed time. There is no explanation, save of the settlement talks, for the condonation of delay in filing the appeal and which is no explanation.

37. I am therefore not only unable to find any ground for condoning the delay in preferring the Chamber Appeal but also do not find any ground for granting any further opportunity to the plaintiff to lead evidence."

14. Considering that counsel for defendant no. 1 appeared on 05th September 2022 and then again on 16th January 2023, despite being absent in proceedings in between, there was no reason why prompt action could not be taken by the defendant to file the Written Statement for clearing the objections and place them on record.

15. Besides, as is noted by the Joint Registrar, there was no condonation of delay application filed as well. Aside from this, the laxity from the defendant's part is also evident from the Chamber



Appeal being filed after 170 days, the reasons for which are purported to be personal, though time taken would be beyond expectation for any party expected to be diligent in pursuing the matter.

16. For these reasons, as well as, taking into account the view taken in the decisions cited above, the Court is not inclined to entertain the Chamber Appeal.

17. Accordingly, the Chamber appeal is dismissed.

CS(OS) 341/2022 & IA 9161/2022

1. List on 02nd April, 2025.

2. Order be uploaded on the website of this Court.”

(emphasis supplied)

CONTENTIONS OF THE APPELLANT:

9. The learned Senior Counsel for the Appellant contends that there was, in fact, no delay in the filing of the Written Statement, and that any delay pertains solely to its re-filing and in support of this contention, reliance is placed on the filing details annexed as *Annexures A-3 and A-5* to the Appeal.

10. It is further submitted by the learned Senior Counsel that the delay in re-filing was occasioned due to *bona fide* and genuine difficulties faced both by the Appellant and by the learned filing counsel representing the Appellant, and despite putting forth this fact, the learned Joint Registrar, by the Order dated 26.09.2023, closed the Appellant's right.

11. The learned Senior Counsel also submits that since the Written Statement was initially filed on 29.08.2022 within the prescribed period, and was thereafter re-filed and taken on record on 19.09.2023 vide Diary No. 1442909 of 2022, the exercise constituted only a re-filing and not a fresh filing of the Written Statement.

CONTENTIONS OF THE RESPONDENTS:

12. *Per contra*, learned Counsel for the Respondents submits that



the factual narration advanced by the Appellant is entirely erroneous, as the contents of the Chamber Appeal itself contradict the version now sought to be projected. He draws attention to Paragraph 2 of the said Appeal to contend that it is, in fact, the Appellant's own case that the Written Statement was filed vide Diary No. 1442909 of 2023, only on 19.09.2023. It is only for the first time, through the present Appeal, that the Appellant has attempted to alter the factual narrative. Paragraph 2 of the Chamber Appeal reads as follows:-

“That on 19.09.2023 the counsel for the defendant no. 1 filed the WS Vide Diary No: 1442909/2023 along with documents and along with application under Order VIII Rule 1 Vide Diary No: 1720401/2023.”

13. He further submits that the said Chamber Appeal itself came to be filed with a considerable delay of almost 170 days.

14. It is also contended that both, the learned Joint Registrar and the learned Single Judge, carefully examined the relevant record, and based on such scrutiny, the respective orders were passed, and therefore, he contends there is no infirmity in the Impugned Orders and that the present Appeal deserves to be dismissed with costs.

ANALYSIS:

15. We have considered the arguments of the learned Senior Counsel for the Appellant and learned Counsel for the Respondents and with their able assistance, perused the record and the Orders passed by the learned Joint Registrar as well as the learned Single Judge.

16. Though the learned Senior Counsel was rather vague in specifying the exact difficulties faced by the Appellant and his filing counsel throughout, we proceed on the assumption that the



explanations for the delay, as set out in the Appeal, are what the learned Senior Counsel was referring to. However, it is quite apparent that the Appellant, by way of the present Appeal, seeks to spin a whole new yarn in contrast to the earlier spun story. The earlier narration of facts, as espoused in the Chamber Appeal, makes it evident that the Written Statement came to be filed only on 19.09.2023. However, before us, the learned Senior Counsel focused upon the assertion that the said filing of Written Statement on 19.09.2023 was indeed a re-filing.

17. At the outset, we note that the Division Bench of this Court, in ***Lovely Pal v. Honey Chandel Honi Pal***⁶, while affirming the order of the learned Single Judge rejecting a Chamber Appeal seeking condonation of delay, placed reliance upon the judgment of the Hon'ble Supreme Court in ***Kailash v. Nanku***⁷. The Division Bench reiterated the settled position that the timelines prescribed under Order VIII Rule 1 of the CPC for filing a Written Statement are to be strictly complied with and that any extension beyond the outer limit of 90 days can be granted only in exceptional circumstances.

18. The Court further emphasized that such an extension may be granted only where the defendant is able to demonstrate *bona fide* reasons supported by credible material, and that the delay must not stem from negligence, indifference, lack of diligence, or a casual approach either on the part of the litigant or counsel. The underlying rationale of such a mandate is to preserve the efficiency, integrity, and discipline of the judicial process by ensuring that procedural timelines are adhered to and that litigation progresses in a timely and orderly

⁶ 2024 SCC OnLine Del 221

⁷ (2005) 4 SCC 480



manner. The relevant paragraphs of the *Lovely Pal* (*supra*) case are reproduced below:-

“9. The learned Single Judge has rightly observed that the medical documents of Appellant No. 2 placed on record to justify non-filing of the Written Statement are all dated after the order has been passed by learned Joint Registrar on 07.09.2022. So also, the learned Single Judge has rightly observed that the Appellants negligent conduct in failing to file Written Statement between 30.10.2021 until 07.09.2022 (before the Joint Registrar) and the unusual delay of 175 days in filing the Chamber Appeal on 13.03.2023 are all indicative of the wilful default in filing the written statement. The Appellants are unable to point out any error in the said findings.

10. The Supreme Court in the case titled as *Kailash v. Nanku*, (2005) 4 SCC 480 has clearly stated that the prayer of the defendant seeking time beyond 90 days for filing the Written Statement has to be granted by way of an exception. In the said judgment the Court held that extension cannot be granted to a defendant which has been lax or grossly negligent. The relevant portion of the judgment reads as under:

“43. A prayer seeking time beyond 90 days for filing the Written Statement ought to be made in writing In its judicial discretion exercised on well-settled parameters, the court may indeed put the defendants on terms including imposition of compensatory costs and may also insist on an affidavit, medical certificate or other documentary evidence (depending on the facts and circumstances of a given case) being annexed with the application seeking extension of time so as to convince the court that the prayer was founded on grounds which do exist.

44. The extension of time shall be only by way of exception and for reasons to be recorded in writing, howsoever brief they may be, by the court. In no case, shall the defendant be permitted to seek extension of time when the court is satisfied that it is a case of laxity or gross negligence on the part of the defendant or his counsel. The court may impose costs for dual purpose : (i) to deter the defendant from seeking any extension of time just for the asking, and (ii) to compensate the plaintiff for the delay and inconvenience caused to him.”

(emphasis supplied)

Examination on Demurrer:

19. In the present case, even assuming arguendo that the Written



Statement was initially filed on 29.08.2022, and further assuming that the re-filing of the same could be viewed with a measure of indulgence, we are of the firm view that the present matter does not warrant the exercise of such leniency.

20. **Rule 3 of Chapter IV of the Delhi High Court (Original Side) Rules, 2018⁸** prescribes that where a pleading is found defective, the total period permitted for re-filing, after accounting for all extensions, cannot exceed 30 days. The Rule also mandates that if any party re-files a document beyond the permitted period, such re-filing must be accompanied by an application seeking condonation of delay. For ease of reference, Rule 3 is reproduced below:-

“3. Defective pleading/ document. -

(a) If on scrutiny, the pleading/ document is found defective, the Deputy Registrar/ Assistant Registrar, Incharge of the Filing Counter, shall specify the objections, a copy of which will be kept for the Court Record, and return for amendment and re-filing within a time not exceeding 7 days at a time and 30 days in aggregate.

(b) If the pleading/ document is not taken back for amendment within the time allowed under sub-rule (a), it shall be registered and listed before the Court for its dismissal for non-prosecution.

(c) If the pleading/ document is filed beyond the time allowed under subrule (a) the pleading/ document must be accompanied with an application for condonation of delay in re-filing of the said pleading/ document.

(d) Any party aggrieved by any order made by the Registrar under this Rule may, within fifteen days of the making of such order, appeal against it to the Judge in Chambers.”

(emphasis supplied)

21. In the present case, the Appellant has failed to comply with both limbs of Rule 3. The Written Statement, though stated to have been filed on 29.08.2022, was re-filed only on 19.09.2023, well far beyond the maximum permissible 30-day period. Moreover, the Appellant

⁸ Rule 3



neither filed an application seeking condonation of delay nor furnished any explanation for this extraordinary lapse. This omission constitutes a grave procedural default and reflects a complete disregard for the procedural framework.

22. It further emerges from the record that during the entire intervening period, despite repeated and explicit directions of the Court, neither the Appellant nor his Counsel took any step to rectify the objections, to re-file the Written Statement in accordance with law, or to ensure that it was duly brought on record. The Appellant remained entirely passive and unmoved in the face of clear and repeated directions. A summary of the relevant orders passed during this period underscores this continued inaction:-

Date of Order	Relevant portion of the Order
05.09.2022	<i>“4. Office noting further reveals that written statement filed on behalf of defendant no.1 vide diary no.1442909 dated 29.08.2022 was returned under objection. Let needful in this regard be done.”</i>
15.11.2022	<i>“2. Written statement is stated to have been filed on behalf of defendant no.1 on 29th August, 2022. However, the same has been returned under objections. Counsel for defendant no.1 has not taken any steps to have the same placed on record. Counsel for the defendant no.1 was also not present in Court when the matter was called out.”</i>
16.01.2023	<i>“1. As per office noting, written statement filed on behalf of the defendant no.1 vide diary no.1442909 dt. 22.12.2022 is still under objection. Let appropriate steps be taken as per law. 2. Learned counsel for defendant no.1 has submitted that</i>



	<i>he has received fresh objections in filing of written statement on behalf of defendant no.1 on 12.01.2023. He submits that he will take appropriate steps as per law for removal of the objections.”</i>
09.05.2023	<i>“6. Written statement filed on behalf of defendant no.1 vide diary no.1442909 dt. 22.12.2022 has not come on record till date. Let appropriate steps be taken as per law as last opportunity.”</i>

23. To condone such persistent neglect and permit the Appellant to proceed despite repeated opportunities would strike at the very foundation of procedural discipline. Courts cannot be expected to shield litigants from the consequences of their own inaction or indifference. Extending indulgence in cases of sustained non-compliance not only encourages procedural laxity but also contributes to avoidable delays, thereby undermining the efficient administration of justice and defeating the very purpose of the procedural framework.

24. As a further reflection of the Appellant's sheer laxity, it is pertinent to note that even after the closure of the right to file the Written Statement, the Chamber Appeal itself came to be instituted after a delay of more than six months. Further, as correctly recorded in the Impugned Order, the Appellant has offered shifting and mutually inconsistent explanations for this delay, initially attributing it to the illness of the Counsel's mother, and subsequently altering the explanation to the illness of the Counsel's father. Such contradictory stands, unsupported by any material, severely impair the credibility of the Appellant's case.

25. The Appellant's attempt to rely upon the alleged illness of the



Counsel's parents is plainly an afterthought, and his further attempt to dispute the factual observations recorded, in this regard, by the learned Single Judge is equally untenable. Even assuming such circumstances existed, no application was ever filed before the learned Single Judge seeking correction of the record or clarification of the factual position. In the absence of any such contemporaneous plea or supporting material, we find no error in the factual findings recorded by the learned Single Judge, and the Appellant's belated attempt to assail them at this stage is wholly unmerited.

26. We also take note of the fact that, notwithstanding the Counsel for the Appellant having entered appearance on 05.09.2022 and continued appearing on subsequent dates, no steps were taken either to file the Written Statement in conformity with the Rules or to remove the defects notified. This repeated and unexplained default, despite clear judicial directions, reflects not mere inadvertence but a sustained pattern of negligence and disregard for procedural obligations.

Estoppel:

27. As noted earlier, the Appellant has expressly stated in the Chamber Appeal that his Written Statement was "filed" only on 19.09.2023. There was an absence of categorical assertion that the Written Statement was being "Re-Filed". The Appellant cannot, in the present Appeal, change the narrative and make a factual narration that contradicts his own earlier stand. If this Court were to take cognisance of such shifting and inconsistent stands, it would be lending a premium to Appellant and/or his counsel to permit either of such persons to disavow themselves from pleadings and contentions raised in an earlier round in the same litigation. This shifting and inconsistent



stand, at one point asserting that the delay relates to the initial filing, and at another contending that it pertains merely to re-filing, is not permissible in law and is clearly barred by the principles of estoppel. The Appellant is seeking to create a wholly new and ingenious factual chronology. This conduct is wholly impermissible and cannot be countenanced.

28. In either event, we are of the firm view that the vague, oscillating, and unsubstantiated assertions advanced by the Appellant, in any manner, cannot, by any judicially recognized standard, constitute “*sufficient cause*”. There is no material whatsoever to demonstrate any legitimate reason for the prolonged delay in either filing or re-filing the Written Statement. The Appellant has not produced even a single document to substantiate the alleged prolonged illness of the Counsel’s mother or father or any other circumstance that could remotely justify the delay. Mere bald and inconsistent assertions, unsupported by evidence, cannot form the basis for condonation, whether in filing or of re-filing.

CONCLUSION:

29. For the aforementioned reasons, we find no ground whatsoever to interfere with the Impugned Order passed by the learned Single Judge. The present Appeal is accordingly dismissed with costs of Rs. **25,000/- (Twenty Five Thousand Only)**, to be deposited with **Poor Patients’ Fund under the aegis of All India Institute of Medical Sciences (AIIMS), New Delhi**, within two weeks from today. In case of default, the Registry is directed to list the matter before this Court after the expiry of two weeks for passing appropriate orders in this regard.



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30. The present Appeal, along with pending application(s), if any, is disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 21, 2025/nd/sm/rou