



2026:DHC:3878



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

Date of Decision: 06th May, 2026

+ CM(M) 1040/2026, CM APPL. 30374/2026 &CM APPL.
30375/2026

YATENDER SHARMA AND ANRPetitioners

Through: Mr. Aakar Bhardwaj, Advocate.

versus

INDU SHARMA THROUGH SPARespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present has been filed by the petitioners/defendants under Article 227 of the Constitution of India, 1950 assailing the order dated 12th February, 2026 passed by the trial court in Civ. Suit 196/23, whereby the applications filed by the petitioners/defendants seeking permission to place on record the written statement to the amended plaint has been dismissed.
3. Heard. Record perused.
4. Learned counsel for the petitioners has argued that the written statement to the amended plaint could not be filed due to lapse on part of the previous counsel and the petitioners were not aware of the requisite procedure. The petitioners should not to be made to suffer on account of negligence of their previous counsel. In case the petitioners are not



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permitted to file the written statement to the amended plaint, grave prejudice would be caused to the defence of the petitioners, and it is also necessary for the proper adjudication of the case.

5. The relevant portion of the impugned order dated 12th February, 2026 reads as follows:

“Perusal of the record reveals that defendant no. 1 had filed his written statement within the statutory period after being served in the present case. Thereafter, the plaintiff had filed application under Order 6 Rule 17 of CPC for amendment of plaint and application under Order 1 Rule 10 of CPC for impleadment of defendant no. 2 along with amended plaint. Copy of the said applications was supplied to both the defendants on 10.01.2024. Both the defendants had given their no objections to the aforesaid applications and accordingly, the said applications were allowed and amended plaint already filed by plaintiff was taken on record. Written statement was filed on behalf of defendant no. 2 on the same date. However, the defendants were also given liberty to file written statement to the amended plaint. Despite granting liberty, the same was not availed by defendants. The defendants were well aware of the averments made in the amended plaint. The entire plaintiff evidence has already been led now and the matter is at the stage of defence evidence. Defendants cannot be allowed to fill in the lacuna and gaps in their case at this stage by completely changing the nature of their defence. The applications if allowed would cause great prejudice to the plaintiff. Both the defendants were represented by different Counsels earlier and now as well. It is highly unlikely that both the previously appointed Counsels deliberately did not file the WS to the amended plaint. Further, the defendants have not filed on record any complaint made against their earlier Counsel for any such mis-conduct.

In view of the above, both the applications stand



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dismissed and disposed off accordingly.”

6. From the record, it is evident that petitioners were granted opportunity to file the written statement after the plaint was amended. The applications had been filed at the stage when the matter was fixed for the evidence of the petitioners. The petitioners cannot be permitted to cast the entire blame on their previous counsels in not filing the written statement as the petitioners are also expected to be equally vigilant about the proceedings of the Court. The inordinate delay in filing the applications is only delaying tactics to further delay the disposal of the case. Accordingly, this Court does not find any infirmity in the impugned order as it is a reasoned order passed in accordance with law. The present petition is dismissed as being devoid of any merits. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

MAY 06, 2026/v/isk