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

*Date of Decision: 24<sup>th</sup> February, 2026*

+ CM(M) 579/2025 & CM APPL. 18192/2025 (for Stay)

JATIN B. GHATGE AND ANR. ....Petitioners

Through: Mr. Puneet Jaiswal and Mr. Sandeep  
Sehrawat, Advs.

versus

HARISH CHANDER GHATGE ....Respondent

Through: Mr. Dhananjai Jain and Mr. Naveen  
Rai, Advs. (through VC)

**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 petition has been filed by the petitioners under Article 227 of the Constitution of India, 1950, assailing the order dated 06<sup>th</sup> March, 2025, passed by the learned Trial Court in case no. CIV DJ No. 433/2024, whereby an application of the petitioners under Order VIII Rule 1 of Code of Civil Procedure, 1908 for condonation of delay in filing written statements has been dismissed.
3. I have heard the learned Counsels for the parties and perused the record.
4. Perusal of the record shows that the petitioner no.1/defendant no.2 was served on 27<sup>th</sup> July, 2024 and petitioner no.2/defendant no.4 was served on 08<sup>th</sup> July, 2024.



5. Learned counsel for the petitioners submits that the petitioner no.1 has filed the written statement on 11<sup>th</sup> December, 2024 and the petitioner no. 2 has filed the written statement in January, 2025.

6. Order VIII Rule 1 of CPC reads as under:

*“1. **Written Statement.**— The Defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence:*

*Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.”*

7. Petitioner no.2 has filed the written statement after a delay of about five months from the date of service. No exceptional circumstances have been shown on behalf of the petitioner no.2 to explain this delay in filing the written statement beyond the statutory period. Accordingly, the written statement of petitioner no.2 cannot be taken on record.

8. Perusal of the order dated 08<sup>th</sup> October, 2024 passed by the learned Trial Court shows that the learned counsel appearing for petitioner no.1/defendant no.2 submitted that he had not received the copy of the plaint alongwith accompanying documents. The said order reads as follows:

*“Fresh vakalatnama filed on behalf of defendant no.2. Be taken on record. The counsel for defendant no.2 has submitted that he has not received copy of the plaint along with documents. Thereafter, the defendant is directed to file the written statement within statutory period with advance copy to the opposite side atleast 15 days prior to the NDOH.*

*Plaintiff is directed to supply the same against acknowledgment. Plaintiff is directed to take fresh steps for*



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*the service of defendants no. 1, 3 and 5 upon filing of PF/RC.*

*Now, to come up on 12.12.2024.”*

9. The petitioner no.1/defendant no.2 has filed the written statement on 11<sup>th</sup> December, 2024, after the respondent was directed to supply a copy of the plaint along with the documents.

Keeping in view these facts as the written statement on behalf of the petitioner no.1/defendant no. 2 was filed on 11<sup>th</sup> December, 2024, prior to the date fixed for hearing by the learned Trial Court, i.e. 12<sup>th</sup> December, 2024, so the written statement of the petitioner no.1/defendant no.2 is taken on record subject to payment of Rs. 10,000/- as costs to the opposite party.

10. Accordingly, the present petition is disposed of in the above-stated terms. Pending application(s), if any, also stands disposed of.

**RAJNEESH KUMAR GUPTA, J**

**FEBRUARY 24, 2026/sds/ik**