



2026 :DHC :3592



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

Date of Decision: 28th April, 2026

+ CM(M) 965/2026, CM APPL. 28296/2026 & CM APPL. 28297/2026

RAVINDRA CHAUDHARYPetitioner

Through: Mr. Raj Kamal, Ms. Narayani and Ms.
Dimpy, Advs.

versus

LAXMI CHAND GUPTARespondent

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 petition has been filed on behalf of the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 13th February, 2026 passed by the learned Trial Court in case bearing No. CS DJ 396/2021, whereby the application filed by the petitioner/defendant no. 1 under Order VIII Rule 1 read with Section 151 of the Code of Civil Procedure, 1908 (*CPC*) has been dismissed.
3. Heard. Record perused.
4. Learned Counsel for the petitioner has argued that the trial court has passed the impugned order on the basis of surmises and conjectures which is



against the facts and law. The delay in filing the application for condonation of delay in filing the written statement is only on account of change of Counsel and for that, the petitioner should not suffer.

5. The operative portion of the impugned order dated 13th February, 2026 reads as follows:

“Heard. Record perused.

The written statement of the defendant no.1 was taken off the record on 23.11.2023 and more than two years and two months passed since then. The plea of the defendant no.1 that his previous counsel has failed to file the application for condonation of delay in filing written statement and the defendant no.1 should not be punished for the mistake of the previous counsel has no substance. The defendant no.1 not only failed to explain the delay of more than eight months in filing the written statement but also the application in hand after more than two years and two months from the date when his written statement was taken off the record.

In view of the above discussions, there is no merit in the application U/o 8 Rule 1 r/w Section 151 CPC and the same is dismissed.”

6. A perusal of the record shows that *vide* order dated 23rd November, 2023, the written statement of the petitioner was taken off the record on account of the same not being accompanied by an application seeking condonation of delay. The application under Order VIII Rule 1 read with Section 151 of CPC for condonation of delay in filing written statement has been filed after a delay of more than two (02) years and two (02) months from the date of the said order. The change of counsel does not constitute any sufficient cause for condonation of such unreasonable delay. Accordingly, this Court does not find any infirmity in the impugned order and it is upheld.



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The present petition is, accordingly, dismissed as being devoid of merit.
Pending application(s), if any, also stands disposed of.

RAJNEESH KUMAR GUPTA, J

APRIL 28, 2026/sds/tp