



2026:DHC:3686



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 30th April, 2026*

+ CM(M) 194/2026

TALIBU NISHA & ANR.Petitioners

Through: Appearance not given.

versus

KADIR KHAN & ANR.Respondents

Through: Mr. Shehran Malik and Ms. Arshi
Malik, Advocates.**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 under Article 227 of the Constitution of India, assailing the order dated 10th December, 2025 passed by the learned Trial Court in *Civ. DJ. 311/25*, whereby the right of petitioner/defendant to file the written statement has been closed.
3. Heard. Record perused.
4. Learned counsel for the petitioner has argued that on 13th August, 2025, a copy of the plaint along with documents was supplied to the petitioner/defendant. Thereafter, the petitioner/defendant filed the written statement along with an application seeking condonation of delay in filing the written statement before the learned Trial Court on 19th November, 2025. However, *vide* the impugned order dated 10th December, 2025, the learned Trial Court has closed the right of the petitioner/defendant to file the written



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statement on the ground that the same had not been filed despite several opportunities.

5. Learned counsel for the respondent/plaintiff submits that there is delay in filing the written statement and the same may be taken on record subject to payment of heavy costs.

6. Keeping in view the facts and circumstances of the case, this court is of the opinion that it is in the interest of justice, if the delay in filing the written statement is condoned as the respondent/plaintiff can be compensated with costs. Accordingly, the written statement is taken on record, subject to payment of costs of ₹5,000/- to the respondent.

7. Accordingly, the present petition is disposed of in above terms. Pending applications, if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

APRIL 30, 2026/v/abk