



2025:DHC:7049-DB



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

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Judgment reserved on: 12.08.2025

Judgment pronounced on: 20.08.2025

+ **FAO(OS) 80/2025 & CM APPL. 44068/2025**

SANGEETA RAI SANDHU & ORS.Appellants

Through: **Mr. Rajiv Kumar Ghawana, Mr
Vikalp Chandela, Advs.**

versus

CHARANJIT SANDHU & ORS.Respondents

Through: **Mr Prashant Katara, Ms Sakshi
Jain, Advs. for R-1**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

ANIL KSHETARPAL, J.

1. Through the present Appeal filed under Section 10 of the Delhi High Court Act, 1966 read with Order XLIII Rule 1 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'] the Appellants [Defendant Nos.1 to 3 before the learned Single Judge] assail the correctness of the Impugned Orders dated 04.02.2025 and 19.05.2025 by which O.A. No. 93/2024 and Rev. Pet. No. 220/2025, respectively, were dismissed by the learned Single Judge. The Chamber Appeal being O.A. No. 93/2024 and a subsequent Revision Petition being Rev.Pet. No. 220/2025 was filed by the Appellants in



CS (OS) 65/2023 captioned *Charanjit Sandhu v Sangita Rai Sandhu & Ors.* [hereinafter referred to as ‘the Civil Suit’]. *Vide* both the said proceedings initiated by the Appellants, they challenged the order dated 21.12.2023 passed by the learned Joint Registrar, through which the right of the Appellants to file a Written Statement was closed with an observation that the statutory period of 120 days, from the date of service, has already expired.

FACTUAL MATRIX:

2. The dispute before this Court arises out of a partition suit filed by the Respondent No.1 [Plaintiff before the learned Single Judge] which was contested by the Appellants. However, since the issue requiring adjudication by this Court pertains solely to a pure question of procedural law, it is considered appropriate by this Court to not delve deeply into the substantive merits of the Civil Suit. Accordingly, only those facts that are directly relevant and/or material to the procedural issue being dealt by this Court shall be referred to hereinafter.

3. The relevant dates laying down the procedural history of the present issue, in furtherance to the filing of the written statement, is provided hereinbelow:

Dates	Events
31.01.2023	The Complaint filed by the Respondent No. 1 was registered as a Civil Suit by the learned Single Judge.
17.02.2023	Summons were issued and effected upon the



	Appellants.
29.03.2023	The learned Single Judge referred the parties in the Civil Suit to <i>Samadhan</i> , Delhi High Court Mediation and Conciliation Centre for mediation. In addition, the learned Single Judge also listed the matter before the learned Joint Registrar (Judicial) on 04.05.2023 for completion of pleadings, admission/denial of documents and marking of exhibits.
17.04.2023 till 20.11.2023	Mediation proceedings totalling upto 13 sessions took place. However, mediation report dated 20.11.2023 was filed stating that no outcome was achieved and the mediation proceedings failed.
21.12.2023	The learned Joint Registrar closed the Appellants right to file the written statement in as much as the statutory period of 120 days has been expired.
29.04.2024	The Appellants filed their written statement in the Civil Suit.

4. The Appellants' right to file the written statement was closed by the learned Joint Registrar on 21.12.2023. Pursuant thereto, the Appellants filed a Chamber Appeal under Chapter II Rule 5 of Delhi High Court (Original Side) Rules, 2018 [hereinafter referred to as 'the Rules, 2018']. However, *vide* the Impugned Order dated 04.02.2025, this Appeal was dismissed by the learned Single Judge on the ground that the Appellants had deliberately chosen not to file the written statement, despite the learned Single Judge's categorical direction in



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Order dated 29.03.2023 to complete the pleadings during the subsistence of mediation process.

5. Subsequent to the dismissal of the Chamber Appeal, the Appellants filed a Review Petition under Order XLVIII Rule 1 read with Section 115 of the CPC seeking review of the Order of dismissal of the Chamber Appeal. The learned Single Judge dismissed the said Petition vide Order dated 19.05.2025, upholding the Order dated 04.02.2025. While dismissing the Petition, the learned Single Judge made two observations *qua* the pleas taken before it by the Appellants. With respect to the reliance placed by the Counsel for the Appellants on the judgement of learned Single Judge of this Court in ***Bharat Singh v Karan Singh & Ors.***¹, it was observed that the case laid down in the above-stated judgement is distinguishable from the facts arising in the petition. Whereas, with respect to the Order dated 29.03.2023, it was observed by the learned Single Judge that the directions contained therein, was made consciously with an intention to not exclude the period consumed during mediation process between the parties, from the computation of statutory time of 120 days for filing the written statement.

6. Learned Counsel for the Respondent No.1 has filed his respective written notes and has relied upon judgements. Whereas the learned Counsel for the Appellants does not wish to file a note and has placed few judgments before this Court. The contentions along with the judgments relied upon by the learned counsel for the parties are examined hereinafter.

¹2025 SCC Online Del 691



CONTENTIONS OF THE APPELLANTS:

7. Learned counsel for the Appellants contends that the duration of the mediation proceedings from 17.04.2023 to 20.11.2023 shall be excluded while calculating the statutory 120 days limitation period to file the written statement. In addition, it has also been contended that even after excluding the mediation period, the Appellants had 50 days left to file the written statement. However, this fact was not taken into account by the learned Joint Registrar. On the contrary, the right to file the written statement was closed on 21.02.2023 within 20 days from date of conclusion of mediation. Moreover, it is also the case of the learned counsel for the Appellants that despite the failure of mediation between the parties, the Appellants were in settlement talks till the first week of April 2024 and the settlement talks as per the Appellants are still underway.

8. Lastly, learned Counsel for the Appellants also goes on to the extent to state that the order dated 29.03.2023 has been wrongly construed as the learned Single Judge failed to consider that the direction contained under this Order was a contingent one, aimed to address the pleadings in a circumstance where the mediation proceedings will fail.

9. Learned Counsel for the Appellant, in order to substantiate his arguments *qua* the exclusion of period of mediation proceedings, had placed reliance on ***Bharat Singh (Supra)***, wherein a Single Bench of this Court held that the parties undergoing mediation cannot be forced to file written statement or complete pleadings as doing so might prevent the parties to communicate freely with each other.



CONTENTIONS OF THE RESPONDENTS:

10. *Per contra*, learned counsel for the Respondent No.1 submits that even if the mediation period is excluded from the computation, the Appellants failed to file the written statement within 120 days. It is the case of the learned counsel for the Respondents that the Appellants were duly served on 17.02.2023, whereas the matter was referred to mediation on 29.03.2023 which failed on 20.11.2023 and a subsequent Mediation Report dated 20.11.2023 was filed. Despite the filing of the Mediation Report, the Appellants delayed in filing their written statement until 30.04.2024. This delayed filing led to a delay of 162 days, which is inexcusable even if the initial 30 days, from the date of institution of suit till the date the matter was referred to mediation, is excluded. Based on the aforesaid premise, it is contended by the learned Counsel for Respondents that even otherwise if the statutory period is to be calculated from the date of Mediation Report, even then the Appellants failed to file their written submission within the prescribed limit.

11. Learned Counsel for the Respondent No.1 has also placed reliance on *Manhar Sabharwal v High Court of Delhi* and *Chirag Sharma v High Court of Delhi & Ors.*², wherein a Coordinate Bench of this Court while dealing with the constitutionality of limitation of 120 days prescribed within Rule 4, Chapter VII of the Rules, 2018, held the rule as valid observing that the written statement filed beyond the period of 120 days cannot be taken on record even in non-commercial matters.

² 2024 SCC Online Del 5945



FINDINGS & ANALYSIS:

12. This Court has duly considered the submissions advanced by the learned counsel representing the parties and the judgements relied upon thereby.

13. At the outset, this Court deems it appropriate to note that the time limit prescribed under Order VIII Rule 1 of the CPC read with Chapter VII Rule 4 of the Rules, 2018 is not contested by either of the parties, and as such the same is not deliberated upon by this Court. However, it is noted that Rule 4, Chapter VII of the Rules, 2018 is clearly applicable for deciding the present Appeal.

14. A Coordinate Bench of this Court in *Delhi Gymkhana Club Ltd. v Col Ashish Khanna SM Retd & Ors.*³, held that Rule 4, Chapter VII of the Rules, 2018 is mandatory in nature and the purpose of fixing an outer time limit thereby, is to ensure an expeditious adjudication of the civil suits.

15. Whereas in *Manhar Sabharwal (Supra)*, the Division Bench of this Court while dealing with the constitutionality of Rule 4, Chapter VII of the Rules, 2018, held that the expression '*but not thereafter*', as used under the Rule renders the timeline to be mandatory in nature. By virtue of the expression used the defendants may be granted an extension beyond 30 days for an additional period of 90 days but in no circumstances shall the extension be granted beyond that.

16. Further, the learned Counsel for the Appellants placed reliance on a Single Bench judgment of this Court in *Bharat Singh (Supra)*, to

³2024 SCC OnLine Del 7022



substantiate his contention that a post-mediation extension in form of a liberty to file the written statement, shall be granted. This judgement is, in the opinion of this Court, applicable to the present case to the extent that it answers a disputed question of law. While placing reliance on the judgements of the Coordinate Benches of this Court in *Telefonaktiebolaget L.M. Ericsson v. Lava International Limited*⁴ and *Graves Cotton Ltd. v. Newage Generators (P) Ltd.*⁵, the learned Single Judge rightly held that, particularly in the backdrop of dispute arising out of family matter, the time period utilised in mediation proceedings ought not to be calculated within the statutory limitation for filing of pleadings. The learned Single Judge while relying upon the Supreme Court's judgement of *Vikram Bakshi & Ors. v. Sonia Khosla*⁶, also emphasized that when the parties earnestly engage in mediation, the Court shall always make a sincere endeavour for an amicable settlement of such dispute.

17. Furthermore, in the opinion of this Court, in so far as the contention of the learned counsel for the Appellants with respect to the intention of the learned Single Judge in its order dated 29.03.2023 *qua* the direction of completion of pleadings is concerned, this Court observes that the Appellants have appeared before the Joint Registrar even during the pendency of the mediation proceedings. The same is evident from the order dated 04.05.2023, wherein the counsel for the Appellants sought time from the learned Joint Registrar to file their written statement on the pretext of collecting certain relevant

⁴2015 SCC OnLine Del 13903

⁵2019 SCC OnLine Del 6556

⁶(2014) 15 SCC 80



documents. The relevant portion of the said order of learned Joint Registrar is reproduced under:

“It is submitted by counsel for plaintiff that no written statement has been filed by any defendant till date and stipulated period for filing the same has expired and their right to file written statement may be closed.

It is submitted by counsel for defendant nos. 1 to 3 that she could not file written statement till date as she is collecting the relevant documents regarding the property in question and seeks some more time to file written statement along with relevant application for condonation of delay.

Settlement talks before mediation is still going on. However, no settlement has been finalized till date.

List for same as well as for appearance of defendant nos. 4 and 5 for 02.08.2023.”

[Emphasis Supplied]

The above-said Order was passed by the learned Joint Registrar on 04.05.2023, and as such the argument advanced by the counsel for the Appellants regarding the mediation proceedings leading to delay in filing the written statement squarely contradicts the contention of the counsel for the Appellants. More so for the reason, that the Appellants’ proactive request seeking time to file the written statement without any objection constitutes to a representation. As such, in light of the equitable *doctrine of estoppel*, they cannot now claim delay on the pretext of pendency of the mediation proceedings, as doing so would be inequitable and contrary to established legal principles.

18. However, with respect to the intention of the learned Single Judge referring the parties to mediation while concurrently listing the matter before the learned Joint Registrar, in the opinion of this Court, *vide* its Order dated 29.03.2023 is rendered inessential, particularly in



view of the observations of this Court with respect to *Bharat Singh (Supra)* in the preceeding paragraph.

19. Now, coming to the factual matrix of the present case, it is undisputed that the summons was effected upon the Appellants on 31.01.2023. Whereas, pursuant to the learned Single Judge's Order dated 29.03.2023, the parties were actively trying to settle the dispute by way of mediation from 17.04.2023 to 20.11.2023, which ultimately failed, and a Mediation Report dated 20.11.2023 to that effect was filed. Subsequently, the Appellants' right to file the written statement was closed on 21.12.2023. Although the Appellants eventually filed their written statement on 29.04.2024, the fact that, their right to file the written statement was closed on 21.12.2023 by the learned Joint Registrar, cannot be lost sight of.

20. In addition to the aforesaid, this Court deems it appropriate to bifurcate the pre-mediation and post-mediation period to provide an enhanced clarity. Excluding the time period consumed by mediation, the pre-mediation period, commencing from the date of service of summons on 17.02.2023 and concluding with the referral to mediation on 29.03.2023, amounts to 40 days. Similarly, the post-mediation period, starting from 21.11.2023, immediately following the Mediation Report dated 20.11.2023, upto 21.12.2023, the date of closure of right of the Appellants, totals to 30 days. As such both the pre-mediation and post-mediation period when taken together amounts to 70 days. Accordingly, the total delay excluding the time of mediation till the date the right of the Appellants to file the written statement was closed was within the prescribed time limit.



21. Therefore, in light of the aforestated and the subsequent interpretation as provided by the Benches of this Court, it is reiterated that the prescribed limit of 120 days for filing a written statement is inviolable and cannot be exceeded under any guise. Nevertheless, if the parties have chosen the recourse of mediation to reach to an amicable settlement, the time so spent shall stand excluded while calculating the time limit prescribed for filing the written statement.

CONCLUSION:

22. In view of the aforestated, and since this Court has excluded the time utilised in mediation by the parties, noting that the prescribed limit of 120 days on 21.12.2023 had not yet expired, this Court is inclined to accept the written statement filed by the Appellants.

23. Needless to state that the proceedings before the learned Single Judge will be carried forward being uninfluenced by the order of this Court and the Appellants shall be at liberty to participate in further proceedings to be taken place in the Civil Suit.

24. Hence, the present Appeal is allowed and accordingly, disposed of. The pending application also stands closed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

AUGUST 20, 2025/jn/hr