



\$~47

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

+ **FAO(OS) 140/2024 & C.M.Nos.59361-59362/2024**

SANGEETA CHHABRA & ORS.

.....Appellants

Through: Mr.Rajneesh Sood with Mr.Gurpreet
Singh, Mr.Dhruv Kumar, Advocates.

versus

SUMIT CHHABRA

.....Respondent

Through: None

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

%

08.10.2024

1. Present appeal has been filed challenging the order dated 30th August, 2024 passed by the learned Single Judge in O.A. No.85/2024. The Chamber Appeal was filed by the appellants challenging the order dated 22nd August, 2023 passed by the learned Joint Registrar in CS(OS) No.775/2022, recording that the right of the appellants to file written statement and affidavit of admission/denial of documents in the suit for partition stands closed.

2. The learned Single Judge has dismissed the Chamber Appeal on the ground that the appellants (defendant Nos. 6-8 in the civil suit) had filed their written statements not only exceeding the limitation period of thirty (30) days but also the additional grace period of ninety (90) days permissible under Chapter VII Rule 4, of the Delhi High Court Rules (Original Side), 2018.



3. Learned counsel for the appellants states that the learned Single Judge failed to consider that a complete and legible copy of the plaint for partition was served upon them only on 6th May, 2023 and therefore, the limitation period for filing written statement must start from the said date.

4. He further states that the delay which resulted in crossing limitation period of thirty (30) days was unintentional and only due to the ongoing settlement talks with the respondent (plaintiff therein) and due to summer vacations.

5. At the outset, it is pertinent to note that the appellants have not disputed the fact that the record of the suit papers in CS(OS) No.775/2022 were served upon them on 20th January, 2023. The learned Single Judge has rightly held that the appellants were served by the process server on the said date. Additionally, it is also not in dispute that the appellants were also served the suit papers *vide* speed post on 21st January, 2023 and by way of WhatsApp on 23rd January, 2023.

6. The argument raised by the learned counsel for the appellants that the said suit papers contained certain documents that were illegible and thereby extending the limitation period is incorrect as the typed copies of the said documents were already attached with the original papers. The appellants have themselves admitted that they received the typed copies of the said documents along with the original suit papers.

7. Consequently, it is clear that the date of filing the written statement and the affidavit of admission/denial of documents in the suit for partition exceeded both the statutory period of limitation of thirty (30) days as well as the additional grace period of ninety (90) days. Neither the settlement talks nor summer vacations can be a ground for extension of statutory period for



filing the written statement and the affidavit of admission/denial of documents. Accordingly, no ground for interference is made out. The present appeal along with the applications is dismissed.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

OCTOBER 8, 2024
KA