



2026:DHC:1439



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 18th February, 2026

+ CM(M) 347/2026, CM APPL. 9616/2026, CM APPL. 9617/2026, CM APPL. 9618/2026 & CM APPL. 11058/2026

MR LOKESH SHARMA

.....Petitioner

Through: Ms. Sangita Rai and Ms. Saumam Singh, Advocates.

versus

DELHI PUBLIC LIBRARY

.....Respondent

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 by the petitioner under Article 227 of the Constitution of India, 1950, assailing the impugned order dated 08th January, 2026, passed by the learned Trial Court in CS DJ No. 496/2023, whereby an application of the petitioner/defendant under Order VIII Rule 1 read with Section 148 read with Section 151 Code of Civil Procedure, 1908 ('CPC'), seeking extension of time to file the written statement has been dismissed.
3. Heard. Record perused.
4. Learned Counsel for the petitioner has argued that the learned Trial Court has passed the impugned order on the basis of surmises and conjectures and that the same is against the facts and law. It is further submitted that the



delay in filing the written statement occurred on account of the petitioner being 70 years of age and his wife suffering from life threatening illness which requires regular doctor visits and medical treatment. Learned Counsel for the petitioner, therefore, prays that since the delay in filing the written statement was beyond the control of the petitioner, the same be condoned and the written statement be taken on record.

5. 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.”

6. *In the case of Gautam Bhowmick v Prem Chand 167 (2010) DLT274, a coordinate bench of this Court observed as under:*

"7. It had become a tendency of the defendants to prolong the trial of the case and to drag the proceedings as long as possible, since prolonging of the proceedings itself results in defeating justice. In order to curb this tendency, amendments were made in Civil Procedure Code and the Supreme Court after considering the legal position took a view that while the written statement should be filed within 30 days, extension of time for filing written statement beyond 30 days but within 90 days should be given if reasonable grounds are shown by the defendant and the Court is satisfied with those grounds. Beyond 90 days, the Court is not powerless in extending the time for filing written statement but this discretion must be exercised only in exceptional cases so that the procedure does not defeat the substantive justice".



7. The relevant portion of the impugned order dated 08th January, 2026 reads as follows:

“6. Defendant appeared before the court through counsel on 01.08.2023 and was served with the summons of the suit on 20.05.2023 and it was observed by the court on 01.08.2023 itself that 30 days period for filing written statement has already expired. However, despite it, defendant did not choose to file written statement. He was well represented through a counsel on the said date and thereafter but while defendant chose to pursue his application U/o 7 Rule 11 (d) CPC, he did not file written statement and opportunity to file the same was finally closed on 21.10.2024 i.e. after a period of more than an year from the date of 30 days time period of filing written statement. The delay is considerable and for a period of about more than one year and 07 months. The sickness of wife of the plaintiff and her continuous treatment cannot be considered as reasonable ground to condone the delay, especially considering that defendant was appearing through counsel and was well aware that written statement had not been filed and further defendant was pursuing his application U/o 7 Rule 11 (d) CPC which was disposed of after closure of the opportunity to file written statement. Keeping in view these aspects, I do not find any merits in the application U/o 8 Rule 1 CPC r/w Section 148/151 CPC as filed by defendant and accordingly prayer made in the application is declined. Application filed by defendant U/o 8 Rule 1 r/w Section 148/151 CPC is thus dismissed.”

8. The petitioner/defendant was served with summons of the suit on 20th May, 2023. Thereafter, instead of filing the written statement, the petitioner chose to file an application under Order VII Rule 11 of CPC. The right of the petitioner to file the written statement was closed on 21st October, 2024, that is, after a lapse of more than one year from the expiry of the prescribed period for filing the written statement.



2026:DHC:1439



9. Keeping in view these facts and circumstances of the case, this Court is of the opinion that as the petitioner was represented by Counsel and had pursued his application under Order VII Rule 11 CPC, the alleged medical condition of the wife of the petitioner and the age of the petitioner cannot be accepted as a reasonable ground to condone the delay of more than one year. Accordingly, this Court does not find any infirmity in the impugned order as the petitioner has failed to make out any exceptional case for condonation of delay in filing the written statement. The impugned order is upheld as it is a reasoned order passed in accordance with law.

10. The petition is dismissed as being devoid of any merits. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 18, 2026/MR/ik