

News

Should the time for submitting a written statement be extended to include the mediation period? Delhi High Court refers the matter to a bigger bench



Justice Subramonium Prasad stated that many benches have delivered inconsistent findings on the matter.

Delhi High Court

The Delhi High Court has referred to a larger bench the matter on whether the time spent in mediation should be subtracted while calculating the statutory deadline for filing written statements and replications in civil suits.

Justice Subramonium Prasad noted that the matter is unclear due to divergent judicial opinions from the division and coordinating benches.

He therefore ordered that Chief Justice Devendra Kumar Upadhyaya hear the case in order to form a bench of two or three justices to respond to the following query: • Whether the time spent in mediation ought to be excluded while computing the limitation period prescribed for filing the written statement/replication as prescribed **under chapter VII of the Delhi High Court (Original Side) Rules, 2018?** “In the present times, particularly when India is endeavouring towards a “Vivad Mukta Bharat”, considerable emphasis is being placed on mediation.

In the opinion of this Court, ordering a party to file a written statement, thereby moving the focus towards adversarial litigation, would mean swimming against the flow favouring mediation,” Justice Prasad observed.

Subramonium Prasad, Justice

After a litigant filed a chamber appeal against a Joint Registrar order that had excused the defendants' failure to provide the written statement on time, the Court issued the order.

The joint registrar had removed roughly four months spent in mediation proceedings.

The parties were reportedly directed to **mediation in September 2023, but efforts to reach a resolution were unsuccessful in January 2024.**

Subsequently, the defendants filed their written statement.

Justice Prasad stated in a 22-page ruling that there was disagreement among Delhi High Court precedents on the exclusion of mediation time from the requisite schedule outlined in **chapter VII of the Delhi High Court (Original Side) Rules, 2018.**

He went on to say that in order to prevent the joint registrars from making contradictory conclusions, an authoritative declaration is required. Therefore, he submitted the subject to a larger bench.

Vedpal Singh was represented by attorneys Tanmay S. Surana, Bhaavan Mahajan, and Tushar Mahajan.