Amrut

# IN THE HIGH COURT OF BOMBAY AT GOA

## WRIT PETITION NO.712 OF 2026

M/S IHD ENTERPRISES
REP BY MANAGING PARTNER
PRADEEP KUMAR VARSHNEI … Petitioner

*Versus*

ROHIT KUMAR …Respondent

Mr. Sahil S. Deshprabhu, Advocate for Petitioner.
Ms Priyanka Kamat and Ms Saisha Mandrekar, Advocates for Respondent.

**CORAM: S. G. CHAPALGAONKAR, J**

**DATED: 2nd NOVEMBER 2026**

**P.C.:**

**1.** The present petition is filed for the following prayer:

> "(A). That the Hon'ble Court may be pleased to grant a Writ of Certiorari or any other appropriate Writ, Order or Direction quashing and setting aside the 'Impugned Order' dated 02.06.2026 passed by the Court of Civil Court Junior Division 'C Court' at Merces Tiswadi, Goa in Case No. RCS/2O/2026/C below Exhibit D-11 and allow application dated 02.06.2026 at Exhibit D-11."

**2.** Respondent has filed suit for eviction, recovery of possession and arrears of rent against Petitioner. On 02.03.2026, Petitioner was served with suit summons and caused appearance before trial Court. On

30.03.2026, Petitioner sought extension of time to file written statement, which was granted. Similarly, extension was granted on 30.04.2026. On 02.06.2026, Petitioner made an application seeking extension of time to file written statement. However, same has been rejected by order impugned in this petition.

**3.** Perusal of impugned order shows that application is mainly rejected for the reason that defendant cannot seek extension to file written statement on the ground of pendency of application under Order 7 Rule 11 of Civil Procedure Code seeking rejection of plaint. Trial Court relied upon observations of this Court in ***Writ Petition No.105 of 2024*** in case of ***Federal Brands Ltd. Vs Cosmos Premises Pvt. Ltd.,*** wherein this Court observed in Para 12 as under :-

> *"12. There is no such provision in the CPC or any pronouncement of the Court for the purpose of exclusion of such period for filing the written statement. The provisions of Order VIII Rule 1 of CPC would show that the written statement is required to be filed within a period of 30 days, which is from the date of receipt of the suit summons. The proviso added by the amendment Act would go to show that the said period could be extended upto 90 days from the receipt of the summons for reasons to be recorded in writing. Thus, it is clear that the written statement is required to be filed within 30 days from the date of receipt of the suit summons, however, such period of 30 days could be extended upto 90 days for the reasons to be recorded in writing by the Court."*

**4.** Careful reading of impugned order would show that trial Court has not foreclosed right of Petitioner to file written statement and seek condonation of delay by showing sufficient cause. Reading of entire order depicts that reason given by Petitioner for extension of time to file written statement on the pretext of pendency of application under Order 7 Rule 11 of CPC was not accepted.

**5.** It is informed by learned Advocate appearing for Petitioner that on 08.06.2026 Petitioner has already tendered application below Exhibit D-12 seeking acceptance of written statement by condoning delay. In that view of matter, this Court finds no reason to entertain present petition. Petitioner shall be at liberty to prosecute its application below Exhibit D-12 and it is expected that trial Court would decide the same without prejudice to any observations made in earlier orders whereby Petitioner's application for extension of time to file written statement was rejected. The trial Court shall also bear in mind that provision of Order 8 Rule 1 of CPC is directory and the Court's power to accept written statement beyond period of 90 days is not taken away if sufficient cause is shown for delay.

**6.** Writ Petition stands disposed of in aforesaid terms.

**S. G. CHAPALGAONKAR, J**



Signed by: TARI AMRUT NAGESH
Designation: Private Secretary
Date: 02/11/2026 16:55:37