

**The limitation period for filing a written statement under Order VIII Rule 1 of the CPC begins from the date of service of summons along with a copy of the plaint, and not from the date of filing of the Vakalatnama by the defendant**

The Bombay High Court in the case of **Gautam Dham Co-operative Housing Society Ltd. vs. Funds and Properties of Parsi Panchayat, Bombay [Interim Application No. 4761 of 2025 in Suit No. 393 of 2022]** dated September 20, 2025, has held that the limitation period for filing a written statement under Order VIII Rule 1 of the Civil Procedure Code, 1908 (CPC) begins from the date of service of summons along with a copy of the plaint, and not from the date of filing of the Vakalatnama by the defendant.

The Court emphasised that the responsibility to serve the plaint rests upon the plaintiff and that the defendant cannot be expected to apply to the court office to obtain a copy of the plaint merely because a Vakalatnama has been filed earlier. The Court therefore held that Rule 84 of the Bombay High Court (Original Side) Rules, 1980, merely prescribes a method of proving service where the fact of service is in dispute, and cannot be read to mean that filing of a Vakalatnama amounts to deemed service of summons with plaint.

The Court observed that the filing of Vakalatnama can be after the service of the summons; however, if a Vakalatnama is filed before the service of the writ of summons, the same cannot go against the Defendant for computing the starting period of limitation for the purpose of Order VIII Rule 1. The Court further held that the 75-day delay caused by inadvertence in the office of the advocate constituted “sufficient cause”, and remarked that litigants should not be penalised for inadvertent mistakes of their advocates, especially where the delay is not inordinate and no prejudice is caused.