

Once the statutory period of filing the written statement has elapsed, any subsequent filing of an application under Order VII Rule 11 of the CPC shall not revive the statutory period in any manner whatsoever, and shall not extend the statutory period for filing the written statement

The **Delhi High Court** in the case of **IDBI Trusteeship Services vs Manish Jain [CS(COMM) 800/2025]** dated **March 23, 2026**, has ruled that once the statutory period of filing the written statement has elapsed, any subsequent filing of an application under Order VII Rule 11 of the CPC shall not revive the statutory period in any manner whatsoever, and shall not extend the statutory period for filing the written statement.

The High Court observed that the application under Order VII Rule 11 CPC for rejection of the plaint was filed by defendant no. 2 much after the statutory period of 120 days for filing of the written statement had expired. It noted that while a defendant is entitled to file an application for rejection of plaint under Order VII Rule 11 CPC before filing the written statement, the liberty to file such an application cannot be made as a ruse for retrieving the lost opportunity to file the written statement.

Referring to the Supreme Court judgment in **R.K. Roja Versus U.S. Rayudu [(2016) 14 SCC 275]**, the Court observed that once the statutory period for filing the written statement has already lapsed, subsequent filing of an application for rejection of plaint will not revive such statutory period. Thus, the Court categorically rejected the plea of defendant no. 2 that its right for filing the written statement ought not to have been closed due to the subsequent filing of the Order VII Rule 11 CPC application.

The Court further observed that the contention of defendant no. 2 regarding the interim moratorium operating under Section 96 of the IBC, on account of which the suit against defendant no. 2 is allegedly not maintainable, is the subject matter of the pending application filed under Order VII Rule 11 CPC for rejection of the plaint. Accordingly, the Court held that this aspect shall be considered by the Court while adjudicating the said application filed on behalf of defendant no. 2.