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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 111/2023**

ARCHIAN FOODS PRIVATE LIMITED

..... Plaintiff

Through: Mr. Nikhil Sonker and Mr.
Om Ram, Advs.

versus

SWAMI FOODS & ORS.

..... Defendant

Through: Mr. Akshay Bhatia, Adv. for
D-2 &3.

CORAM:

**SIDHARTH MATHUR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **10.01.2024**

List the matter for the purpose fixed on the date fixed i.e.
18.03.2024.

**IA No. 626/2024 (u/s 5 of Limitation Act seeking condonation of
delay by plaintiff)**

Issue notice. Accepted.

The plaintiff is seeking condonation of 33 days delay in filing the rejoinder to IA No.14815/23. The cause of the delay as stated in the application is that the plaintiff is situated out of Delhi; its AR was travelling during the relevant time and even its counsel was not keeping well, whereby the rejoinder could not be filed within time.

The counsel for the defendant nos. 2 and 3 states that no prima facie proof has been placed by the plaintiff in support of its contentions. He is thus opposing the condonation.

Having heard the counsels and keeping in view the larger



interest of justice so as to facilitate adjudication on merits, the application is allowed.

IA No. 14815/2023 (by plaintiff u/order 11 Rule (1) (c) (ii) r/w Section 151 CPC seeking permission to take additional document on record)

The pleadings have been completed today.

This application is already listed before the Hon'ble Court on 13.02.2024.

**SIDHARTH MATHUR (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 10, 2024/ss**

Click here to check corrigendum, if any