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

+ **CS(COMM) 173/2023, I.A. 5913/2023, I.A. 12870/2023, I.A. 14509/2023 & I.A. 10657/2025**

BLUE GRASS & ANR.

.....Plaintiffs

Through: Mr. S.S. Ahluwalia & Ms. Saniya Zehra, Advocates with plaintiff in-person.

versus

NIRVIKAR FILM LLP AND ORS

.....Defendants

Through: Mr. Vibhu Pahuja, Advocate for D-1 & 2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **29.07.2025**

I.A. 14509/2023 (under Order XIII A Rule 4(3) of CPC)

1. This application has been filed on behalf of the plaintiffs, stating that since the reply to the application seeking summary judgment (I.A. 5913/2023) has not been filed by the defendants within a period of thirty (30) days, the said application may be decided in the absence of reply.
2. Admittedly, a reply has been filed on behalf of the defendants to the said application, *albeit* in a delayed manner.
3. The delay in filing the aforesaid reply is about 101 days.
4. There is no mandatory requirement under Order XIII A of the Code of Civil Procedure, 1908 (CPC) to file a reply within thirty (30) days.
5. There is nothing to suggest that the Court cannot condone the delay in filing the reply to an application under Order XIII A of the CPC.



6. Accordingly, the Court deems it appropriate to condone the delay in filing the reply to I.A. 5913/2023, subject to the payment of costs of ₹20,000/- by the defendants to the plaintiffs.

7. The aforesaid costs shall be paid within two (2) weeks from today.

8. Subject to the payment of the aforesaid costs, the reply filed on behalf of the defendants to I.A. 5913/2023 shall be taken on record.

9. The application stands disposed of.

I.A. 5913/2023 (under Order XIII Rule 3 of CPC)

10. In view of the fact that the reply has been permitted to be taken on record, rejoinder thereto, if any, be filed within thirty (30) days from today.

11. List for hearing on 4th November, 2025.

AMIT BANSAL, J

JULY 29, 2025/at