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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 125/2021

SHAMINDER SINGH BHATIA & ANR.Plaintiffs

Through: Ms. Swadha Gupta, Mr. Ayush Singh, Mr. Shivam Dahiya, Mr. Vishwan Mishra & Mr. Ritik Rana, Advs.

versus

MR. VISHNU BHAGWAN @ BALWAN SINGH

.....Defendant

Through: Mr. Krtickay Mathur & Mr. Shankar, Advs.

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA, (DHJS)

ORDER

% **18.02.2025**

I.A. 40336/2024 under Section 5 of Limitation Act moved by the plaintiff seeking condonation of delay in filing Replication

1. Vide order dated 27.01.2025, the Hon'ble Court has listed the captioned IA before this court for consideration in accordance with the extant rules.

2. Learned counsel for the plaintiff submits that the relevant provision in this regard is Chapter VII Rule 5 of Delhi High Court (Original Side) Rules. She has drawn my attention to para no.14 of judgement rendered by Hon'ble Division Bench of High Court of Delhi in ***“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”***, 2020 SCC OnLine Del 1353. The same reads as under:-

“14. The term *“The Court”* and *“Registrar”* have been defined in Rule 4 that is a part of Chapter I of the Rules. On a reading of Rule 5 it is clear that the replication, if any, should be filed within a period of 30 days from the date of receipt of the written statement. The word *“shall”* used in the said Rule postulates that the replication must be filed within 30 days of the receipt of the written statement. **The Registrar does not have the power to condone**



any delay beyond 30 days. The permission to condone the delay beyond the period of 30 days, lies with the court. If the court is satisfied that the plaintiff was prevented by sufficient cause or for exceptional and unavoidable reasons from filing the replication within 30 days, it may extend the time for filing the same by a further period not exceeding 15 days with a suffix appended to the Rule stating, “*but not thereafter*”. The phrase “*but not thereafter*” mentioned in the Rule indicates that the intention of the rule making authority was not to permit any replication to be entertained beyond a total period of 45 days. If any other interpretation is given to the said Rule, then the words “*but not thereafter*”, will become otiose.”

3. So, it is stated by learned counsel for the plaintiff that as per the extent rules which are interpreted by the Hon'ble Division Bench of High Court of Delhi in the aforesaid judgement, the power to condone the delay in filing Replication beyond 30 days exclusively lies with the Hon'ble Court and not with the Joint Registrar courts. So, she requests that the captioned IA may be placed before the Hon'ble Court.

4. In view of above and at the request of the plaintiff, place the captioned IA before the Hon'ble Court on 03.04.2025, for further directions.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 18, 2025/ab

[Click here to check corrigendum, if any](#)