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

+ **CS(COMM) 125/2021**

SHAMINDER SINGH BHATIA & ANR.Plaintiffs

Through: Ms. Shubhangi Singh and Ms.
Vishwani Mishra, Advs.

versus

MR. VISHNU BHAGWAN @ BALWAN SINGHDefendant

Through: Mr. Kartickay Mathur, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **03.04.2025**

I.A. 40336/2024 (filed on behalf of the plaintiffs seeking condonation of 08 days delay in filing the replication)

1. Heard learned counsel appearing of the parties.
2. Learned counsel appearing for the plaintiff/ applicant submits that *vide* order dated 11.07.2024, the Court directed for the filing of the replication after receipt of the fresh affidavit of admission and denial. He, then, contends that the fresh affidavit of admission and denial was filed on 25.07.2024, and thereafter, the replication was filed on 27.08.2024.
3. According to him, replication was filed *albeit* with a delay of 30 days, however, the same is within 15 days of the further period which can be condoned. He further explains under what circumstances the delay has occurred in the filing of the replication beyond 30 days.



4. The aforesaid contentions are vehemently opposed by learned counsel appearing for the defendant.
5. Learned counsel takes the Court to the order passed on 25.01.2024, whereby the Court condoned the delay in filing the written statement and directed for taking it on record.
6. Learned counsel, therefore, contends the time to file replication must commence from the date of taking on record the written statement.
7. I have considered the aforesaid submissions and have perused the record.
8. It is noted that on 11.07.2024, the Joint Registrar directed for filing of the replication after receipt of the fresh affidavit of admission and denial. The fresh affidavit was filed on 25.07.2024, and the replication appears to have been filed on 27.08.2024.
9. It is thus seen that the replication has been filed within an overall 45 days from the date of filing of the fresh affidavit i.e. 25.07.2024.
10. The Court is of the considered opinion that the defendant ought to have raised objections, if any, regarding the directions passed *vide* 11.07.2024 granting the plaintiff additional time to file the replication, at the appropriate juncture. The order dated 11.07.2024 remains unchallenged.
11. Under the aforesaid circumstances, it would not lie from the mouth of the respondent to contend that the time to file the replication must commence from the date of taking on record the written statement *vide* order passed by this Court on 25.01.2024.
12. In view of the aforesaid, the Court finds that the applicant has successfully shown the reasons for filing the replication beyond 30 days.



Since the same is within the overall period of 45 days, therefore, the delay in filing the replication stands condoned.

13. The same is taken on record.

14. Application stands disposed of.

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15. List this matter before the concerned Joint Registrar on 20.05.2025.

APRIL 03, 2025/P/MJO

PURUSHAINDR KUMAR KAURAV, J

Click here to check corrigendum, if any