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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 221/2024

KESHAV GAUTAM @ AMAN GAUTAMPlaintiff

Through: Mr. Pramod Ahuja, Adv. (joined
through VC)

versus

MRS. DIVYA GAUTAMDefendant

Through: Mr. Davinder N. Grover, Adv.
(joined through VC) & Mr.
Gursimran Singh Rekhi, Adv.
(physically)

CORAM:

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

ORDER

% **29.05.2025**

CS(OS) 221/2024

1. As per record, Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant is on record. However, the documents filed by defendant are still not on record. Learned counsel for the defendant submits that he has filed the documents vide diary no.2454467/2024. The same is not on record. He is directed to take requisite steps within one week to bring the same on record as per law as a last and final opportunity to the defendant.

2. The revised Affidavit of Admission/Denial of the documents has been filed by the defendants

3. Further, the plaintiff has not filed Replication to the Written Statement of defendant till date despite the order dated 04.03.2025. In the order dated 04.03.2025, it has been specifically recorded that the defendant has supplied copy of Written Statement with Affidavit of Admission/Denial of the documents to learned counsel for the plaintiff on 03.01.2025. Learned counsel for the



plaintiff submits that due to want of instructions from the plaintiff, he could not file the same. However, the maximum permissible period for filing of Replication has already expired. So, in view of judgment in **“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”**, 2020 SCC OnLine Del 1353, the right of the plaintiff to file Replication is ordered to be closed.

4. The plaintiff is directed to file Affidavit of Admission/Denial of the documents in the prescribed format as per law qua documents of the defendant within three weeks with copy to the opposite side, as last and final opportunity.

5. Thereafter, the plaintiff is also directed to file soft copy as well as physical copy of the Joint Schedule of the documents at least two weeks before the next date of hearing with copy to the opposite side.

6. Both the parties are directed to file physical copy of the documents of which e-copy already filed on record, if not filed earlier, before the next date of hearing.

Re-notify the matter for completion of pleadings on the next date of hearing.

I.A. 6059/2024 (under Order XXXIX Rule 1 & 2 CPC) moved by the plaintiff

7. Pleadings are already complete.

Re-notify the captioned IA on the next date of hearing.

I.A. 13543/2025 (under Section 153 of CPC, 1908 for correction moved by counter claimant) and I.A. 13544/2025 (under Section 5 of Limitation Act, read with Section 151 of CPC seeking condonation of delay in re-filing IA no.13543/2025 moved by counter claimant)

8. Heard. In view of reasons mentioned in the



applications, both the captioned IAs stand allowed as prayed for. The counter claimant is directed to file amended/revised Counter Claim within three weeks with copy to the opposite side. Accordingly, both the captioned IAs stand disposed of.

Counter Claim No.3/2025 (filed by the defendant)

9. After filing of amended/revised Counter Claim by the Counter Claimant, the respondents are directed to file Written Statement to the Counter Claim within statutory period with copy to the opposite side. Thereafter, Replication be filed within stipulated period as prescribed by law with copy to the opposite side.

Re-notify for completion of pleadings in the counter claim on 22.09.2025.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 29, 2025/ab

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