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

+ **CS(OS) 178/2025**

RAJ KUMAR MITTAL

.....Plaintiff

Through: Ms. Preeti Goel, Mr. Anubhav Goel,
Ms. Rashmi Mishra and Ms. Priyanka
Dhyani, Advs.

versus

BALDEV KUMAR & ORS.

.....Defendants

Through: Mr. Kanishk Kharbanda, Adv. for D-
1 and D-6.
Mr. Siddhartha Jain, Adv. for D-2 to
D-4.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **14.01.2026**

I.A. 33040/2025 (application by the plaintiff seeking condonation of delay in filing replication to the defendant no.4)

1. The present application has been filed by the plaintiff seeking condonation of delay in filing replication to the written statement filed by the defendant no.4.
2. A perusal of the application shows that the written statement filed by the defendant no.4 was served upon the learned counsel for the plaintiff on 08.10.2025, therefore, the period of 30 days provided for filing replication under Rule 5 of Delhi High Court (Original Side) Rules, 2018 expired on 07.09.2025.
3. Under the said Rule, the period for filing replication can be extended



for another 15 days but not thereafter. The replication was, however, filed on 03.01.2026 i.e. even beyond the prescribed 45 days which expired on 22.09.2025.

4. The learned counsel for the plaintiff submits that this Court has got the inherent power under Chapter I Rule 16 of Delhi High Court (Original Side) Rules, 2018 (hereinafter, 'the Rules') to condone the delay.

5. The submission articulated by the learned counsel for the plaintiff is no more *res integra*. The Division Bench of this Court in ***Ram Sarup Lugani & Anr. vs. Nirmal Lugani & Ors., 2020 SCC OnLine Del 1353*** has already held that the phrase "*but not thereafter*" used in Rule 5 of Delhi High Court Rules, makes it crystal clear that rule is mandatory in nature and the court cannot permit the replication to be taken on record after 45 days.

6. The plaintiff has exhausted the maximum prescribed period of 45 days, therefore, the plaintiff cannot take advantage of Chapter I Rule 16 of the Rules. In any case, a similar submission was considered by the Division Bench in ***Ram Sarup Lugani*** (*supra*) and rejected.

7. In view of the above, there is no merit in the application, and the same is dismissed.

I.A. 94/2026 (application by the plaintiff seeking condonation of delay in filing replication to the defendant no.2)

8. The present application has been filed by the plaintiff seeking condonation of delay in filing replication to the written statement filed by the defendant no.2.

9. A perusal of the application shows that the written statement filed by the defendant no.2 was served upon the learned counsel for the plaintiff on 11.10.2025, therefore, the period of 30 days provided for filing replication



under Rule 5 of the Rules, 2018 expired on 10.11.2025.

10. Under the said Rule, the period for filing replication can be extended for another 15 days but not thereafter. However, the replication came to be filed on 03.01.2026 i.e. even beyond the prescribed period of 45 days, which expired on 25.11.2025.

11. In view of the legal position discussed above, there is no merit in the application, and the same is dismissed.

VIKAS MAHAJAN, J

JANUARY 14, 2026

N.S. ASWAL