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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 408/2023

VIPIN VERMA

..... Plaintiff

Through: Mr. S. W. Haider & Ms. Pooja
Dua, Advs.

versus

SMT. ASHA VERMA AND ORS Defendants

Through: Mr. Kamal Garg, Adv. for
D-1 to 3
Mr. Rajat Bansal, proxy cl. for
D-4&5

CORAM:

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

ORDER

% **09.01.2024**

**IA No.23803/2023 under Order VIII Rule 1 CPC
moved by the defendant no.4&5 seeking condonation of
delay in filing Written Statement**

As per office note, PF not filed by the applicant.
Learned counsel for the plaintiff is present and accepts
notice of the captioned IA. At request, the applicants are
directed to supply copy of the captioned IA to learned
counsel for the plaintiff within two days through email.
Thereafter, reply, if any, to the captioned IA be filed by the
plaintiff within two weeks with copy to the opposite side,
who is at liberty to file rejoinder, if any, within two weeks
thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of
pleadings/consideration on the next date of hearing.

CS(OS) 408/2023

Written Statement alongwith Affidavit of
Admission/Denial of the documents filed by the defendant
no.1 to 3 was taken on record vide order dated 11.10.2023.

As per record, the plaintiff has not filed any
Replication to the same. Learned counsel for the plaintiff



seeks some time to file the same. The same is strongly opposed by learned counsels for the defendant no.1 to 3. He relies on the judgment in ***“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”***, 2020 SCC OnLine Del 1353, to contend that the right of the plaintiff to file Replication to the Written Statements of defendant no.1 to 3 may be closed in view of expiry of period as prescribed for filing Replication in Chapter VII of Delhi High Court (Original Side) Rules.

I have carefully considered the submission made by learned counsels for the parties. Chapter VII Rule 5 of Delhi High Court (Original Side) Rules categorically provides that the Replication is to be filed within 30 days of receipt of Written Statement, which is further extendable by a period not exceeding 15 days. In the judgement of *Ram Swarup Lugani (supra)*, the Hon'ble High Court of Delhi clearly held that the aforesaid time period is sacrosanct and cannot be extended by the court. Written Statement alongwith Affidavit of Admission/Denial of the documents filed by the defendant no.1 to 3 was taken on record vide order dated 11.10.2023. The plaintiff has not filed Replication till date. The plaintiff has, thus, failed to file Replication and Affidavit of Admission/Denial of the documents within the time permissible by law.

In view of aforesaid settled proposition of law, the right of the plaintiff to file Replication alongwith Affidavit of Admission/Denial of the documents qua defendant no.1 to 3 is ordered to be closed.

As per office note, Written Statement alongwith



Affidavit of Admission of the documents filed by the defendant no.4&5 has been placed by the registry. An application seeking condonation of delay in filing Written Statement by the defendant no.4&5 is pending consideration.

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

I.A. No. 12194/2023 (Stay) moved by the plaintiff

As per record, reply to the captioned IA filed by the defendant no.1 to 3 is already on record. Learned counsel for the plaintiff seeks some time to file rejoinder to the same. In the interest of justice, the last and final opportunity is granted to the plaintiff to file rejoinder within two weeks with copy to the opposite side.

As per office note, reply to the captioned IA filed by the defendant no.4&5 is on record. Learned counsel for the plaintiff seeks some time to file rejoinder to the same. In the interest of justice, the last and final opportunity is granted to the plaintiff to file rejoinder within two weeks with copy to the opposite side.

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

IA No. 12195/2023 (Directions) moved by the plaintiff

As per office note, reply to the captioned IA filed by the defendant no.4&5 is on record. Learned counsel for the plaintiff seeks some time to file rejoinder to the same. In the interest of justice, the last and final opportunity is granted to the plaintiff to file rejoinder within two weeks with copy to the opposite side.

It is stated by learned counsel for the defendant no.1 to 3 that he has also filed reply to the captioned IA



yesterday vide diary no. L-3/755/2024. The same is not on record. Learned counsel for the defendant no.1 to 3 is directed to take requisite steps within two weeks to bring reply on record.

It is stated by learned counsel for the plaintiff that she has not received copy of reply filed by the defendant no.1 to 3, to which learned counsel for the defendant no.1 to 3 undertakes to supply the same within two days through email. Thereafter, rejoinder, if any, be filed by the plaintiff within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on 18.03.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 9, 2024/ab

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