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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 402/2021

MRS SAKSHI BANGA

.....Plaintiff

Through: Mr. Natwar Rai & Ms. Aliya
Parveen, Advs.

versus

MR SHIVANG KATHPALIA & ANR.Defendants

Through: Ms. Samvartika Pathak, Adv.

CORAM:

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

ORDER

% **27.11.2024**

CS(OS) 402/2021

1. As per office note, Affidavit of compliance filed by the plaintiff is on record. In the said Affidavit, it is categorically stated by the plaintiff that the copy of the Written Statement was not supplied by the defendants to the plaintiff and the plaintiff had arranged it in May, 2022 and thereafter, Replication was filed in June, 2022. The same is denied by learned counsel for the defendants.

2. At this stage, learned counsel for the plaintiff has brought to my notice to the order dated 20.02.2024 which reflects that in the present matter, the plaintiff has filed an application for amendment of plaint on 29.03.2023, which was allowed vide order dated 23.01.2024. Only on 20.02.2024, learned counsel for the defendants stated that she does not wish to file any Written Statement to the amended plaint and the previous Written Statement filed by the defendants may be considered as Written Statement to the amended plaint.

3. In view of the same, the limitation period for filing Replication by the plaintiff to the amended plaint in *stricto sensu* would start from 20.02.2024. In this view of the



matter, the Replication filed earlier by the plaintiff after filing of Written Statement cannot be construed as barred by time. Hence, Replication filed by the plaintiff is taken on record.

4. At this stage, it is stated by learned counsel for the plaintiff that he relies on the Affidavit of Admission/Denial of the documents filed vide diary no.1121679 in the year 2022.

5. Affidavits of Admission/Denial of the documents filed by the parties are not as per provisions of Rule 4 of Order XI of the code, as applicable to the Commercial Courts Act. So, both the parties are directed to file fresh/proper Affidavits of Admission/Denial of the documents strictly as per law within two weeks with copies to be exchanged.

6. Thereafter, the plaintiff is directed to file soft copy as well as physical copy of fresh Joint Schedule of the documents compatible with fresh Affidavit of Admission/Denial of the documents filed by the parties, at least three weeks before the next date of hearing.

7. 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 marking of exhibits to the documents on 07.03.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
NOVEMBER 27, 2024/ab

Click here to check corrigendum, if any