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

+ **CS(COMM) 472/2022**

CHELSEA MILLS LLP

..... Plaintiff

Through: Mr. Vipur Wadhwa, Adv.

versus

THERMAX LIMITED

..... Defendant

Through: Mr. Dattatray Vyas, and Ms.
Himani Chhabra, Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

20.03.2023

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I.A. 21034/2022

Allowed, subject to all just exceptions.

The application shall stand disposed of.

I.A. 21035/2022

1. This application has been moved for condonation of the delay which has been caused in filing the written statement in terms of the period as prescribed in Rule 4 of the Delhi High Court (Original Side) Rules, 2018.

2. Undisputedly, the summons on the suit stood served upon the defendant on 08 August 2022. The written statement thereafter came to be filed sometime in December of that year. In paragraph 5 it has been averred that since the contract itself pertains to the period 2016 to 2019, various correspondences including emails had to be obtained from the archival record of the defendant company and it was in the aforesaid backdrop that the delay occurred.

3. Undisputedly, the written statement has come to be filed within the maximum period which has been prescribed in Rule 4. In view of the aforesaid, the ends of justice would warrant the prayers as made in



the instant application being granted.

4. The application shall consequently stand allowed. The delay caused in filing the written statement shall stand condoned subject to the defendant making over Rs. 20,000/- as costs to the plaintiff. The written statement be consequently placed on the record.

I.A. 2849/2023(Delay in Refiling Replication)

1. Learned counsel for the plaintiff prays for and is granted liberty to withdraw the instant application since the replication already stands placed on the record.

CS(COMM) 472/2022

1. Place before the concerned Joint Registrar on 09.05.2023 for taking further proceedings on the suit.

YASHWANT VARMA, J.

MARCH 20, 2023

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