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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 480/2022 and I.As. 10952/2022, 10953/2022
CHASVINDER SINGH & ORS.

..... Plaintiff
Through: Ms. Savita Malhotra, Mr. Suman
Malhotra, Advocates

versus

ESVINDER SINGH & ORS.

..... Defendant
Through: Mr. CM Lall, Sr. Advocate with Mr.
Jatin Sharma, Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
11.11.2022

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I.A. 18285/2022

1. An application under Section 5 of the Limitation Act read with Section 151 of the CPC has been filed on behalf of the defendants for condoning the delay of 32 days in filing the reply.
2. It is submitted in the application that the defendants were directed to filed their reply to the applications within two weeks by Order dated 26.08.2022. However, due to demise of a close family member of the counsel, he had to leave to his native place for final rituals which took more than ten days. On this account, the reply could not be filed within the prescribed time.
3. A prayer is made that the delay of 32 days may be condoned and the



reply may be taken on record.

4. Learned counsel for the plaintiff has no objection if the application is allowed.

5. Accordingly, the application is allowed and the replies to the applications are taken on record.

I.A. 18391/2022

1. An application under Section 5 of the Limitation Act read with Section 151 of the CPC has been filed on behalf of the defendants for condoning the delay in re-filing the written statement.

2. It is submitted in the application that the Written Statement was filed by the defendant on 23.08.2022 vide Diary no. 1415562/2022. However, some objections were raised on 24.08.2022 by the Registry.

3. However, due to demise of a close family member of the counsel, he had to leave to his native place for final rituals which took more than ten days. Thereafter, he suffered from Typhoid and fever and was restricted to bed rest for three weeks. On slight recovery, the counsel re-joined his office by 27.09.2022 and the written statement was re-filed on 28.09.2022. Again objections were raised by the Registry in respect of the Index separation and the objection was cured and the written statement was re-filed with the copy to the counsel to the plaintiff. However, because of the technical glitches, the file uploading could not happen till 26.10.2022.

4. It is submitted that the Written Statement was initially filed within thirty days but because of the objections, which were removed, the Written Statement has been finally filed on 28.09.2022 and 26.10.2022 which is within a period of 120 days. It is requested that the delay beyond the 30 days may be condoned and the Written Statement be taken on record.



5. **Submissions heard.**

6. Considering that the written statement had been initially filed within 30 days and it is on account of the objections that the Written Statement was filed subsequently on 28.09.2022 and then 26.10.2022 which is within a period of 120 days, the delay is condoned and the Written Statement is taken on record.

7. List before the learned Joint Registrar for completion of pleadings and admission-denial of the documents on 13th January, 2023.

8. Replication, if any, be filed within four weeks with an advance copy to the opposite counsel.

NEENA BANSAL KRISHNA, J

NOVEMBER 11, 2022/PA