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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 413/2024

CAMPUS ACTIVEWEAR LIMITEDPlaintiff

Through: Mr. Zeeshan Hashmi, Adv.

versus

MR. RAHUL KUMARDefendant

Through: Mr. Nakul Grover, Adv. (joined
through VC)

CORAM:

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

ORDER

% **21.04.2025**

**IA No.9903/2025 CPC moved by the defendant seeking
condonation of delay in filing rejoinder; AND**

**IA No.9904/2025 moved by the defendant seeking
condonation of delay in filing rejoinder**

1. Learned counsel for the plaintiff accepts notice and
submits that he has no objection to the captioned IAs.

2. Heard. In view of above and in view of reasons
stated in the applications, both the captioned IA stand
allowed and rejoinder filed by defendant to IA
no.44105/2024 & 44106/2024 are allowed to be taken on
record. Accordingly, both the captioned IAs stand disposed
of.

**IA No.44106/2024 under Section 151 of CPC moved by
the defendant seeking condonation of delay in filing
Written Statement; and**

**IA No.44105/2024 under Order XI Rule 5 of CPC
moved by the defendant**

3. It is stated by learned counsel for the plaintiff that he
will pay previous cost of Rs.4000/- to learned counsel for
the defendant on the next date of hearing.

4. As per office note, replies to the captioned IA filed
by plaintiff are now on record.

5. **Rejoinders filed by the defendant to the captioned
IAs are allowed to be taken on record vide order of even**

This is a digitally signed order.

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/04/2025 at 15:59:10*



date.

6. Detailed arguments heard. As per record, Written Statement, Affidavit of Admission/Denial of the documents and an application seeking condonation of delay in filing Written Statement were filed on 20.09.2024. It is conceded by learned counsel for plaintiff that the defendant has filed Written Statement on 114th day of receipt of complete paper book from learned counsel for the plaintiff. The learned counsel for the plaintiff, however, points out that even today Written Statement and Affidavit of Admission/Denial of the filed by the defendant are lying under objections. So, he submits that the date of filing of the same cannot be considered as 20.09.2024 and the Written Statement and Affidavit of Admission/Denial of the documents having been filed beyond the period of 120 days of receipt of paper book, cannot be taken on record. In view of submissions made, report be called from the registry as to the defects pending as on date in Written Statement and Affidavit of Admission/Denial of the documents and when the same was last re-filed by the defendant. Further, the various defects raised by the registry on the Written Statement and Affidavit of Admission/Denial of the documents and their respective dates be also mentioned in the report.

7. Re-notify the captioned IAs for further arguments on the next date of hearing. **Learned counsels are directed to appear physically on the next date of hearing for arguments on the captioned IA.**

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8. As per office note, Written Statement along with



Affidavit of Admission of the documents and documents filed by the defendant are still lying under objections. Needless to say, Written Statement filed by the defendant shall be made part of the record as per law.

9. Further, documents filed by the defendant are on record.

10. An application seeking condonation of delay in filing Written Statement filed by the defendant is pending consideration.

11. Re-notify the matter for further proceedings on the next date of hearing.

CC filed by the defendant

12. The parties have not filed the relevant case laws in terms of the last order. So, the parties are directed to file the same (soft copy as well as physical copy) within three weeks with copies to be exchanged.

Re-notify the matter for consideration of counter claim on 13.08.2025.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

APRIL 21, 2025/ab

Click here to check corrigendum, if any