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

+ **CS(OS) 334/2020**

SHEELA DEVI & ANR.

..... Plaintiffs

Through: Mr. Adamaya Pal Singh, Adv (through
VC)

versus

SHRI MOHAN AGGARWAL & ORS.

..... Defendants

Through: None.

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

% **14.02.2023**

Right to file written statement on behalf of D-2 & 4 has already been closed. Learned counsel for plaintiffs has already stated on the last date of hearing that he does not wish to file replication to the written statement of D3.

Replication to the written Statement of D-1 is stated to be lying under objections. Perusal of record shows that written statement was filed by defendant No.1 on 07.01.2021 on which objections were raised by registry and the case history shows that the same was re-filed on 09.04.2021. Further perusal of the office noting shows that replication was filed for the first time on 23.11.2021. **Chapter VII Rule 5 of Delhi High Court (Original Side) Rules, 2018** provides 30 days time to plaintiff to file the replication to the written statement



and further discretionary period of 15 days in case, sufficient cause is shown for filing the same after expiry of period of 30 days. Record clearly shows that replication has been filed even after expiry of the total period of 45 days by the plaintiff and same is still lying under objections. No further opportunity can be granted to the plaintiff to remove the objections and place the replication on record.

At this stage, learned counsel for plaintiffs has submitted that he wanted to file joint replication to the written statement of all the defendants and he was waiting for the other defendants to file their written statement. The submissions made by learned counsel for plaintiffs cannot be considered for extending the period as provided in *Delhi High Court (Original Side) Rules, 2018* for filing the replication. Since the time to file replication had already expired when it was filed for the first time on 23.11.2021, therefore, right to file replication to written statement of defendant No.1 by plaintiffs stands closed.

Joint Document Schedule in terms of Rule 7A of Chapter VII of Delhi High Court (Original Side) Rules, 2018 be filed physically after getting it signed from the defendants within two weeks positively.

Documents be filed, if e-filed by the parties so as to mark to the exhibits on the documents.

Put up for marking of exhibits to the documents on 25.04.2023.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

FEBRUARY 14, 2023/sk