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

+ **CS(COMM) 414/2019, I.A. 11334/2021, I.A. 5793/2023**

BACO METALLIC INDUSTRIES

..... Plaintiff

Through: Ms. Aditi Kapoor, Advocate.

versus

PM TRADE SRL AND ANR.

..... Defendants

Through: Mr. Rohit Nagpal and Ms. Vasudha Gupta and Mr. Davinder Singh, Advocate for D2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **05.02.2024**

O.A. 67/2023 (against the order dated 25.07.2023)

1. The present Chamber Appeal under Chapter 2 Rule 5 of the Delhi High Court (Original Side) Rules, 2018, has been filed against the Order dated 25.07.2023, *vide* which the right of the defendants to file the reply to the application under Order 12 Rule 6 CPC, filed on behalf of the plaintiff, has been closed.

2. It is submitted in the Chamber Appeal, by learned counsel for the defendants that the application being I.A. No. 5793/2023 under Order 12 Rule 6 CPC was filed on 24.03.2023 and two weeks' time was given by this Court, for filing the reply. Thereafter, *vide* order dated 02.05.2023, another two weeks' time was given by this Court for filing the reply, which could be filed only on 02.06.2023. There was a delay of 13 days for which an application was filed before the learned Joint Registrar for condoning the



delay but it was dismissed *vide* impugned order dated 25.07.2023.

3. Submissions heard.

4. It is the application under Order 12 Rule 6 CPC filed on behalf of the plaintiff, which is pending consideration.

5. In view of the submissions made on behalf of the defendants, the impugned order 25.07.2023 passed by the learned Joint Registrar, is set aside, subject to cost of Rs.25,000/-, to be paid to the plaintiff.

6. The defendants shall pursue the matter with the Registry and get the reply placed on record within seven days, failing which under no circumstances would it be taken on record.

7. Be listed for consideration of I.A. No. 5793/2023 under Order 12 Rule 6 CPC, on 24.07.2024.

NEENA BANSAL KRISHNA, J

FEBRUARY 5, 2024/RS