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

+ **CS(OS) 424/2019**

KANWALJEET KAUR TREHAN & ANR. Plaintiff

Represented by: Ms. Shyel Trehan, Mr. Kshitij Dua,
Adv.

versus

INDERJIT SINGH BHUSRI & ANR. Defendant

Represented by: Mr. Kishore M. Gajaria, Mr. Aayush
Paranjpe, Adv. for D-1.
Mr. Gaurav Puri, Mr. Hardeep Singh,
Adv. for D-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **03.03.2020**

I.A. 1242/2020 (delay of 23 days in filing replications)

1. By this application the plaintiff seeks condonation of delay of 23 days in filing the replications.
2. Plaintiff was granted three weeks time to file replications to the written statements of defendant No.1 and 2 vide order dated 10th December, 2019 and thus the plaintiffs could have filed the replication on 6th January, 2020 when the Courts reopened, however the replications were filed on 23rd January, 2020.
3. Learned counsel for the plaintiff contends that both the plaintiffs are residing out of this country; plaintiff No.1 in New York and plaintiff No.2 in Germany and after replications were sent to those countries and on their approvals the same were signed and affirmed by the power of

Attorney, thereby causing delay in filing the replications.

4. The present suit does not relate to a commercial dispute and the rigours of Commercial Courts Act would not thus apply.

5. In view of the decision of the Supreme Court in Desh Raj Vs. Balkrishan (D) Through Proposed LR Ms. Rohini in Civil Appeal No. 433/2020 decided on 20th January, 2020 and the special circumstances having been shown, delay of 23 days in filing the replications is condoned subject to cost of ₹2000/- each with the High Court of Delhi (Middle Income Group) Legal Aid Society to be deposited by the plaintiffs within two weeks.

6. Learned counsel for the defendant states that in the replications certain additional facts have been stated which are impermissible. The defendants would be at liberty to take these pleas at the relevant time.

7. Application is disposed of.

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1. List the suit for admission/ denial before the learned Joint Registrar on 27th March, 2020.

2. List the suit for settling the issues before Court on 18th May, 2020.

I.A. 11372/2019 (u/O XXXIX R 1&2 CPC)

1. List on 18th May, 2020.

2. Interim order to continue.

MUKTA GUPTA, J.

MARCH 03, 2020

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