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

+ **CS(OS) 554/2022**

LEVERAGE ED-TECH PRIVATE LIMITED Plaintiff

Through: **Mr. Vipul Wadhwa, Adv.**

versus

ABHISHEK NAKHATE & ANR. Defendants

Through: **Mr. Arnav Mittal, Ms. Banshika Garg, Ms. Aishwarya Pratap, Mr. Shashank Rai, Ms. Ritika Gaur, Mr. Vipin Kumar, Adv. for D-1. Mr. Saurabh Kumar, Adv. for D-2.**

**CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA**

% **ORDER
03.02.2023**

I.A. 21988/2022(Delay in Replication)

1. The present application has been moved for condonation of delay caused in filing of the replication. The written statement is undisputedly stated to have been served upon the plaintiff on 15 October 2022. In terms of Rule 5 falling in Chapter VII of the **Delhi High Court (Original Side) Rules, 2018**, the plaintiff had to submit a replication along with an affidavit of admission and denial within a period of 30 days therefrom. The said Rule further grants an additional window of 15 days within which the replication may be filed but not thereafter.

2. Learned counsel for the plaintiff apprises the Court that both the replication as well as the affidavit of admission and denial had been filed together on 29 November 2022 with the Registry. However, the



affidavit of admission and denial is stated to have been returned by the Registry for defects being removed and to be filed separately in accordance with the Rules which apply. It was, thereafter, that the said affidavit is stated to have been filed in these proceedings.

3. Presently and in the absence of the filing history being on the record, the Court is unable to either render a determinative finding in respect of the above assertion nor is it possible to ascertain the correctness of the contentions as noted above.

4. Consequently, let the Registry place on the record the filing history pertaining to the replication and the affidavit of admission and denial.

5. Let the matter be called again on 13.04.2023.

YASHWANT VARMA, J.

FEBRUARY 3, 2023

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