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* IN THE HIGH COURT OF DELHI AT NEW
DELHI

+ CS(COMM) 604/2025
MALTI GUPTA

.....Plaintiff

Through: Mr. Vishnu Gambhir, Adv.

versus

SUNIL KUMAR SETH & ANR.

.....Defendants

Through: Ms. Deeksha Gulati and Ms.
Alpana Singh, Advs.

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. SWATI KATIYAR

ORDER

% **08.07.2026**

**I.A. 11455/2026 on behalf of the Plaintiff seeking condonation
of delay of 5 days in filing rejoinder to Defendants' reply to
plaintiff's application Under Order XXXIX Rule 2A CPC.**

1. Reply filed on behalf of defendants is on record.
2. Ld counsel for plaintiff submits that they do not wish to file any rejoinder.
3. Pleadings are complete in the IA.
4. Arguments have been heard.
5. Vide the present application, plaintiff seeks condonation of five days delay in filing rejoinder to its application under Order 39 Rule 2A CPC. It is submitted by Ld counsel for plaintiff that the delay in filing reply by the defendants was condoned by this court vide order dated 27.03.2026 and plaintiff was granted three weeks time to file rejoinder. However, the rejoinder could not be filed within the time granted by the court as plaintiff had to effectively deal with the averments made by the defendants in their reply, verifying factual position and place accurate material on record. It



is submitted that the delay is not intentional but due to aforesaid reasons and may be condoned in the interest of justice.

6. *Per contra*, Ld counsel for defendants filed reply to the present application and submitted that the period has been wrongly mentioned by the plaintiff in its application as four weeks instead of three weeks. It is further submitted that no cogent reason has been cited by the plaintiff for not filing the rejoinder within three weeks time granted by the Court. It is submitted that the application is without any merit and is liable to be dismissed with heavy cost.

7. I have considered the submissions and perused the record carefully.

8. Perusal of record shows that IA no.1891/2026 under Order 39 Rule 2A CPC was filed by the plaintiff and listed before the Hon'ble Court on 22.01.2026. Ld Counsel for defendants accepted notice of the application and they were granted four weeks time to file reply. However, the reply was not filed within the given time period and IA No.8196/2026 was filed seeking condonation of delay in filing the reply. The IA No.8196/2026 was allowed on 27.03.2026 and defendants were directed to re-file the reply within five days. Further, plaintiff was granted three weeks time for filing rejoinder to IA No.1891/2026.

9. However, as per the e-filing log, the reply has not been re-filed till date. Consequently, the reply of defendants is still not on record. Hence, the plea of defendants that there is delay in filing the rejoinder is without any merit.

7. In the facts and circumstances of the case and in view of observations made above, the present application stands allowed and delay in filing rejoinder stands condoned. Needless to say, defendants are also directed to take necessary steps for bringing



their reply on record. **IA ~~stands~~ disposed off accordingly.**
Plaintiff is directed to re-file the rejoinder within five days,
whereafter registry is directed to place the same on record.

**SWATI KATIYAR,
JOINT REGISTRAR (JUDICIAL)**

JULY 8, 2026/bk