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

+ **CS(OS) 491/2024 & CRL.M.A. 2923/2025**

RAJAT BHANDARI

.....Plaintiff

Through: Mr. Yashodhara B. Roy, Ms.
Darshita Sethia & Mr. Prakarti
Shrivastava, Advs. (through VC)

versus

ASHOK KUMAR BHANDARI & ORS.

.....Defendant

Through: Mr. Arjun Aggarwal, Adv. for D-
1.
Mr. Sahil Gupta, Advocate for D-
2.
None for D-3 despite service.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

02.09.2025

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Proceedings are being conducted through hybrid mode.

**I.A. No. 14486/2025 (u/O XII Rule 6 r/w Section 151
CPC seeking preliminary decree of partial partition of
the schedule properties based on the admission made by
defendant nos. 1 & 2)**

1. It is submitted that the captioned IA is coming up for
hearing before the Hon'ble Court on 07.11.2025.

I.A. No. 47401/2024 (by plaintiff for directions) &

**I.A. No. 47402/2024 (by plaintiff for condonation of delay
of 25 days in re-filing IA No. 47401/2024)**

2. Heard.

3. Considering the submissions, the delay in filing I.A.No.
47401/2024 is condoned.



4. Ld. Counsel for plaintiff argued that the email dated 15.09.2023 and 05.07.2018 were filed alongwith the plaint. Earlier the printout of these emails were taken from the email ID of the counsel for the plaintiff and therefore the name of the counsel has appeared on the title of these emails. Now the printout of these emails have taken from the email ID of the plaintiff. There is no change in the contents of the email.
5. Ld. Counsel for the defendant opposes the application on the ground that once the defendant has taken the objections qua these documents, only then the captioned IA has been filed.
6. Considering the submissions and the fact that there is no change in the contents of the documents, and change in the title of the email is only because earlier the printout out of the same were taken from the email ID of the Ld. Advocate of the plaintiff and later on it was taken from the email ID of the plaintiff which does not make any difference, the email dated 15.09.2023 and 05.07.2018 alongwith certificate u/S 63 BSA, 2023 are taken on record.
7. The captioned IAs are disposed off accordingly.

I.A. No. 47392/2024 (by plaintiff for condonation of delay of 33 days in filing rejoinder to the reply of D-1 qua IA No. 31706/2024)

6. Ld. Counsel for the plaintiff argued that there was delay of 50 days in filing the reply on behalf of defendant to the I.A.No.31706/02024. The delay occurs because the record was voluminous and it was intentional.
7. Ld. Counsel for defendant opposes the application on the ground that there was delay of 77 days and not of 33



days and therefore the rejoinder cannot be taken on record. He further argued that the plaintiff had filed certain documents alongwith the rejoinder and those documents can also not be taken on record.

8. Considering the submissions, the delay in filing rejoinder in the captioned IA is condoned. However, the additional documents filed alongwith the rejoinder cannot be taken on record without appropriate application in this regard. Therefore, Registry is directed to take note of the same.
9. The captioned IA is disposed off accordingly.

I.A. No. 47394/2024 (by plaintiff for condonation of delay of 20 days in filing documents with replication qua D-1).

8. Ld. Counsel for the plaintiff submits that replication to the written statement of defendant no.1 was filed on 16.09.2024. However, the documents were filed on 23.09.2024. Those documents could not be filed alongwith the replication because the documents were voluminous and there was a technical glitch in the website.
9. Ld. Counsel for the defendant oppose the application on the ground that the replication was filed on 45th day and the delay has been condoned, but the documents have been filed on 50th day i.e. beyond period of 45 days and therefore, these documents cannot be taken on record.
10. Heard.
11. Ld. Counsel for the plaintiff has not disputed the fact that documents have been filed on 50th day i.e. beyond stipulated time of 45 days. The plaintiff has not filed any separate application under appropriate provisions of law to bring the additional documents on record. Since the



documents have been filed after expiry of 45 days and have not been filed alongwith the replication. Therefore, the delay in filing these documents cannot condoned.

12.The captioned IA is dismissed accordingly.

I.A. No. 47398/2024 (by plaintiff for condonation of delay of 38 days in filing rejoinder to the reply of D-2 qua IA No.31706/2024)

13.Ld. Counsel for the plaintiff argued that the delay in filing the rejoinder was not intentional.

14.Ld. Counsel for defendant opposes the application on the ground that the plaintiff has filed certain documents alongwith the rejoinder and those documents cannot be taken on record.

15.Considering the submissions, the delay in filing rejoinder to the reply of defendant no.2 in IA No. 31706/2024 is condoned. However, the additional documents filed alongwith the rejoinder cannot be taken on record without appropriate application in this regard. Therefore, Registry is directed to take note of the same.

16.The captioned IA is disposed off accordingly.

I.A. No. 47403/2024 (by plaintiff for condonation of delay of 15 days in filing of replication qua D-2)

I.A. No. 47404/2024 (by plaintiff for condonation of delay of one day in re-filing of replication qua D-2)

17.It has been inter alia observed by Hon'ble High Court of Delhi in judgment titled as *“Ram Sarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”* dated 19.10.2020 passed in FAO(OS) 47/2020, on the aspect of condonation of delay in filing replication that *“The Registrar does not have the power to condone any delay beyond 30 days and the permission to condone the delay beyond the period of*



30 days, lies with the court.”

18. In view of aforesaid observations of Hon'ble High Court of Delhi, let captioned IAs be placed before the Hon'ble Court for further directions on the date already fixed i.e. **7th November, 2025.**

I.A. No. 31706/2024 (by plaintiff for stay)

19. It is submitted that the matter is coming up before the Hon'ble Court on 07.11.2025.

20. Rejoinder to the replies of defendant nos. 1 & 2 has been taken on record today.

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21. Perusal of record further shows that written statement, affidavit of admission/denial and documents with list of documents were already filed by defendant nos. 1 & 2.

22. Perusal of record also indicates that replication along with affidavit of admission/denial were already filed on behalf of plaintiff qua defendant no. 2. However, IAs No. 47403/2024 and 47404/2024 for condonation of delay in filing / re-filing of the same are pending for consideration.

23. The right of defendant no. 3 to file written statement and affidavit of admission/denial of documents has already been closed.

24. Let the pleadings be completed as per law.

25. Re-notify the matter for completion of pleadings and further proceedings on **28th November, 2025.**

GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 2, 2025/PU

Click here to check corrigendum, if any