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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 672/2021

VINOD KUMAR

.....Plaintiff

Through: Mr. Keshav V. Hegde, Adv.

versus

RAJENDER SINGH & ORS.

.....Defendants

Through: Mr. S. S. Rana, Adv. for D-1&2

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA, (DHJS)

ORDER

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10.07.2024

IA 5988/2023 (Application u/O XII Rule 6 CPC filed by plaintiff)

1. Reply of defendant no. 1 and 2 is already on record. At this stage, it is stated by learned counsel for the plaintiff that he does not wish to file any rejoinder to the same. Thus, pleadings are complete.

2. At the joint request, place the captioned IA before the Hon'ble Court on **02.08.2024**, for further directions.

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3. As per record, Written Statement filed by defendnat no.1&2 was taken on record on 18.10.2022 but Replication to the same has not been filed by the plaintiff. It is stated by learned counsel for the plaintiff that he has not filed the Replication as he has already filed an application under Order XII Rule 6 CPC. However, filing of an application under Order XII Rule 6 CPC does not stop the statutory time for filing Replication by the plaintiff. Therefore, filing of an application Order XII Rule 6 CPC is no ground for not filing the Replication by the plaintiff till date.

4. Further, Chapter VII Rule 5 of Delhi High Court (Original Side) Rules categorically provides that the Replication is to be filed within 30 days of receipt of



Written Statement, which is further extendable by a period not exceeding 15 days. In the judgement of ***“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”***, 2020 SCC OnLine Del 1353, the Hon'ble High Court of Delhi clearly held that the aforesaid time period is sacrosanct and cannot be extended by the court. The plaintiff has failed to file Replication with the time permissible by law.

5. In view of aforesaid settled proposition of law, the right of the plaintiff to file Replication qua defendnat no.1&2 is ordered to be closed.

6. Vide order dated 01.12.2023, the right of the defendant no.3 & 4 to file Written Statement was closed. The said order further records that defendnat no.5 to 7 have already given statement no objection in the present suit.

7. The plaintiff is directed to file soft copy as well as physical copy of Joint Schedule of the documents within four weeks with copy to the opposite side.

Re-notify the matter for marking of exhibits to the documents on **26.09.2024**.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 10, 2024/ab

[Click here to check corrigendum, if any](#)