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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 752/2022, I.A. 13811/2023, I.A. 13914/2023, I.A. 7691/2024 & I.A. 35304/2024**

M/S D.K. METALS AND ALLOYS FZCPlaintiff

Through: **Mr. Nishant Solanki, Adv.**

versus

M/S DWARKESH ALLOYS PVT LTD & ANR.Defendant

Through: **Mr. Prashant Diwan, Adv. for D-1.**
Mr. Arun Kumar Kaushik, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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09.01.2025

1. On the previous occasion, counsel for defendant No.1 brought up the issue of late filing of the replication. As per defendant No.1, the written statement was served on the plaintiff on 20th March 2023 while the replication was filed on 02nd May 2023. As per the plaintiff, however, the replication was filed on 27th April 2023.
2. Considering either of these dates, the replication was filed within 45 days. As per Chapter VII Rule 5 of the Delhi High Court (Original Side) Rules, 2018, the maximum period of 15 days' extension is permitted on payment of costs as deemed appropriate for taking on record the replication. By order dated 29th May 2023, the Joint Registrar (Judicial) noted that the replication has been filed.



3. Counsel for the plaintiff states that no objection was taken on the late filing of the replication till the last date of 11th September 2024 before this Court i.e. one-and-a-half years.
4. Counsel for defendant No.1 states that this was the first effective date before the Court and, therefore, the objection was taken at that stage.
5. Notwithstanding, there is no reason why the replication should not be taken on record subject to cost of Rs.15,000/- being paid by the plaintiff to defendant No.1 within a period of two weeks from today.
6. List for pending applications on 06th March 2025.
7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 9, 2025/MK/sc