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

+ CS(OS) 643/2023 & I.A. 8932/2025 I.A. 9012/2025 O.A. 65/2025  
O.A. 66/2025

SUNITA JAIN

.....Plaintiff

Through: Ms. Ritu Chhabra, Adv.

versus

MALA DEVI JAIN & ORS.

.....Defendants

Through: Ms. Deepti Thapa and Ms. Rashi  
Bansal, Advs. for D-1, 3 and 5  
Ms. Sakshi Garg, Adv. for D-4

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**07.04.2025**

**OA 65/2025(on behalf of Plaintiff under Rule 5 of Chapter II of DHC (OS) Rules, 2018 against the order dated 25.03.2025 passed by JR (J))**

**OA 66/2025(on behalf of Plaintiff under Rule 5 of Chapter II of DHC (OS) Rules, 2018 against the order dated 25.03.2025 passed by JR (J))**

1. OA 65/2025 is an appeal filed by the plaintiff under Chapter II, Rule 5 of the Delhi High Court (Original Side) Rules, 2018, ('DHC Rules') impugning the order dated 25.03.2025 whereby the plaintiff's right to file replication, to defendant no. 4's written statement has been closed.
2. OA 66/2025 is an appeal filed by the plaintiff under Chapter II, Rule 5 of the Delhi High Court (Original Side) Rules, 2018, ('DHC Rules') impugning the order dated 25.03.2025 whereby the plaintiff's right to file a



replication to defendant nos. 1, 3 and 5's written statement has been closed.

3. Learned counsel for the plaintiff states that the plaintiff has now filed its replication to the written statement of defendant no. 4 and to the written statement of defendant nos. 1, 3 and 5, respectively with the appeals.

4. She states that as on date of filing of the appeal (when replication has been filed) a period of 128 days had lapsed, from the date of receipt of the written statement. She states that if the appeals are allowed the replications can be taken on record.

5. She states that the affidavit of admission/denial of documents filed by the said defendants has also been annexed with the appeal.

6. This Court has considered the submissions of the parties.

7. Rule 5 of Chapter VII of Delhi High Court (Original Side) Rules, 2018 specifically provides that the replication shall be filed within 30 days of the receipt of the written statement. Further time limit can be extended by 15 days if the plaintiff was prevented by sufficient cause, exceptional and unavoidable reasons in filing the replication within 30 days.

8. The plaintiff's right to file replication stands foreclosed in law under the DHC Rules upon expiry of 45 days. This law has now been well settled by the Division Bench in **Ram Swarup Lugani & Another v. Nirmal Lugani**<sup>1</sup>, which has confirmed by the Apex Court in SLP No. 15142/2020. There is thus no infirmity in the impugned order passed by the learned Joint Registrar.

9. It is however, clarified that the affidavit of admission/denial of documents, filed by plaintiff *qua* the documents filed by defendant no. 4 and

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<sup>1</sup> 2020 SCC OnLine Del 1353 at paras 21 to 25



documents filed by defendant nos. 1, 3 and 5 are directed to be taken on record in view of the judgment of the Co-ordinate Bench of this Court in **Louis Dreyfus Company India Pvt. Ltd. v. Nutrilite Agro Products Pvt. Ltd.**<sup>2</sup>.

10. It is further clarified that the plaintiff will be at liberty to raise additional pleas raised in the replication, which are consistent with the pleas already raised in its plaint to rebut the pleas raised in the written statement, while filing its evidence affidavit during trial.

Moreover, it shall be open to the defendant to raise objection in case any additional plea raised in the evidence affidavit, is inconsistent with the original plea raised in the plaint.

11. With the aforesaid directions, the appeals stand disposed of.

**CS(OS) 643/2023**

12. The plaintiff shall ensure that its affidavit of admission/denial of documents filed by the defendants comes on record within two (2) weeks.

13. The plaintiff shall file Joint Document Schedule within four (4) weeks.

14. List before the learned Joint Registrar (J) for recording admission/denial of documents and marking exhibit on **05.08.2025**; the date already fixed.

**MANMEET PRITAM SINGH ARORA, J**

**APRIL 7, 2025/hp/AM**

*Click here to check corrigendum, if any*

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<sup>2</sup> 2024 SCC OnLine Del 278 at para