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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 528/2019**
SH. ADITYA GUPTA

.....Plaintiff

Through: Mr. Rajesh Mahindru, Adv.

versus

SH. NARENDER GUPTA & ORS.

.....Defendant

Through: Mr. Jai Sahai Endlaw &
Mr. Ashutosh Rana, Advs. for D-1, 2
& 3

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR
GARG (DHJS)

% **ORDER**
17.05.2022

IA No. 3146/2020 (under Section 151 CPC for condonation of delay in filing replication.)

1. Ld. Counsel for defendants submit that defendants do not want to file any reply to the captioned IA. He further submits that he is ready to argue the application straightaway.
2. Arguments on the captioned IA heard. Record perused.
3. It is averred in the captioned IA that vide order dated 20.01.2020, three weeks were given to the plaintiff for filing replication and the matter was also referred to Mediation Centre. The mediation



proceedings took place from 24.01.2020 to 06.02.2020 and it is further averred that record of the case is very bulky as the written statement runs into 50 pages and hence, replication could not be prepared within three weeks. Delay of 12 days has been sought to be condoned by way of this application.

4. No reply to the IA was filed on behalf of the defendants. Ld. Counsel for defendants has opposed the application. He has contended that in case the application is allowed, the same should be allowed subject to exemplary cost.
5. Heard. Record perused.
6. Perusal of the file would show that replication was filed on behalf of the plaintiff on 22.02.2020 and the captioned IA was filed on 24.02.2020. It is not disputed that there is delay of 12 days in filing the replication. It is also not disputed that the matter was referred to Mediation Centre and the mediation proceedings took place from 24.01.2020 to 06.02.2020. Perusal of the file would show that application for condonation of delay of 36 days was moved on behalf of the defendants for taking the written statement on record, which was allowed vide order dated 15.01.2020. Thus, keeping in view the reasons mentioned in the application, period of delay and in the interest of justice, the application stands allowed. Replication filed on behalf of the plaintiff is taken on record.
7. IA stands disposed off accordingly.

IA No. 14315/2019 (under Order XXXIX Rules 1 and 2 CPC)

1. Pleadings are complete.



2. It is submitted that the captioned IA is coming up for hearing before Hon'ble Court on 20.05.2020.

CS (OS) 528/2019

1. Pleadings are complete.
2. Affidavits of admission/denial of the documents are on record.
3. Let the Joint Document Schedule, including hard copy of the same and hard copy of the documents, be filed at least two weeks before the next date.
4. Re-notify the matter for admission/denial of documents on **07th September, 2022.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 17, 2022/nk

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