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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 148/2022 & I.As. 3991/2022, 6534/2022, 6812/2022,
18898/2022

PARMOD KUMAR DANG & ORS.Plaintiffs
Through: Mr. Jayant Mehta, Sr. Advocate with
Mr. Aditya Wadhwa and Ms. Tina
Aneja, Advocates

versus

VINOD KUMAR DANGDefendant
Through: Mr. Vierat K. Anand, Ms. Apoorva
Gulati and Ms. Shaivika Agarwal,
Advocates

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
28.03.2025

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I.A. 18898/2022 (for condonation of delay)

1. This application under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 has been filed by the plaintiff seeking condonation of delay of 38 days in filing the replication to the defendant's written statement.
2. Learned senior counsel for the plaintiff fairly states that the delay of 38 days is beyond the maximum period of 45 days allowed under the Delhi High Court (Original Side) Rules, 2018.
3. Learned counsel for the defendant states that in view of the judgement of the Division Bench **Ram Swarup Lugani & Another v. Nirmal Lugani**



& Others¹, the prayer sought in the application is barred in law.

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

5. In view of the admitted fact that the period of delay is beyond 45 days, the relief sought in the application is time-barred in view of the Delhi High Court (Original Side) Rules, 2018 and the judgment of the Division Bench of this Court in **Ram Swarup Lugani** (supra). This Court has also perused the reasons set out in the application and is of the considered opinion that no ground is made out by the plaintiff for filing the replication with a delay of 53 days beyond the statutory period of 30 days. Therefore, the delay cannot be condoned.

6. It is however directed that any plea, which the plaintiff seeks to raise in the replication, which is in consonance with the stand already taken in the plaint, will be permissible to be raised at the stage of filing plaintiff's evidence affidavit.

7. However, in view of the judgement of the Coordinate Bench of this Court in **Louis Dreyfus Co. India (P) Ltd. v. Nutrilite Agro Products (P) Ltd.**², the plaintiff's affidavit of admission/denial of documents file with the written statement is directed to be taken on record.

8. It is noted that the directions at paragraph '6' and '7' of the order are not objected to by the plaintiff or the defendant.

9. With the aforesaid directions, the application stands disposed of.

I.A. 3991/2022 (Under Order XXXIX Rules 1 and 2 CPC)

10. Mr. Vierat K. Anand, Advocate enters appearance on behalf of the defendant and seeks an adjournment to reconstruct the record and address

¹ 2020 SCC OnLine Del 1353 [paragraph 21 to 24]

² 2024 SCC OnLine Del 278



arguments.

11. The parties are directed to file their written submissions not exceeding three (3) pages with respect to this application.

12. List for hearing on **23.04.2025**.

MANMEET PRITAM SINGH ARORA, J

MARCH 28, 2025/rhc/MG