



\$~52

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

+ **CS(COMM) 655/2019**

MR. ANIL RATHI

..... Plaintiff

Through: **Mr. Sagar Chandra and Ms. Srijan Uppal, Advocates.**

versus

M/S GARG STEEL & ORS.

..... Defendants

Through: **Mr. Shivankar Sharma and
Mr. Vishesh Jain, Advocate for D-6,
8, 9.
Mr. Subhash Chawla, Advocate for
D-10 to 13.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

02.04.2024

I.A. 7273/2024 (exemption from filing case record/ certified/ original/true-typed / clear copies of dim / illegible annexures)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

I.A. 7272/2024 (seeking condonation of delay in filing the appeal)

4. For the grounds and reasons stated in the application, the same is allowed and the delay in filing the appeal is condoned.
5. The application is disposed of.



O.A. 64/2024 [on behalf of the Defendants against order dated 12th January, 2024 passed by the Ld. Joint Registrar (Judicial)]

6. Defendant Nos. 6, 8 and 9/ the Appellants, are aggrieved with the directions issued by the Joint Registrar on 12th January, 2024 ('Impugned Order'), whereby their right to file affidavit of admission/ denial to the documents filed by the Plaintiff/Respondent along with replication, has been closed.

7. Issue notice. Mr. Sagar Chandra, counsel representing the Plaintiff, accepts notice and states that ordinarily he would not have objected to the appeal, however, in the peculiar facts of the case, there is no justification given by the Appellants, to make such a request, as sufficient opportunities were given to them from 10th October, 2022 till 12th January, 2024 to file the affidavit of admission and denial.

8. Mr. Shivankar Sharma, counsel for Appellants, on the other hand, contends that affidavit of admission/denial was not filed as there was some confusion as to its filing status. He submits that this confusion arose as he was under the impression that the said affidavit had already been filed, by the counsel who was earlier representing the Appellants along with the other defendants (Defendants No. 10-13). He submits that the confusion on his part has also been acknowledged by the Joint Registrar in the order dated 16th October, 2023.

9. It is further contended that, subsequently, on 12th January, 2024, he was engaged in another matter before the Division Bench of this court, and was therefore, unable to appear before the Joint Registrar for the present matter.

10. It is therefore, prayed that the Appellant should be permitted to file



the affidavit of admission/ denial of the documents filed by the Plaintiff along with the replication.

11. Having considered the aforementioned submissions and examined the record, the Court finds no infirmity in the view taken by the Joint Registrar. The Joint Registrar's decision to close Appellants' right to file the affidavits emanates from the fact that there have been sufficient opportunities were granted to the Appellant to file the affidavit. In fact, the additional documents were filed with the replication as early as 15th February, 2021. The proceedings have been delayed on account of lack of the admission/ denial of affidavit for last three years. Further, it is noticed that even the timelines which were set out for filing the affidavit of admission/ denial on 16th October, 2023 were not met. This clearly indicates lack of interest on the part of the Defendants and deliberate delay which calls for no indulgence.

12. In light of the above, the Court finds no reason to interfere with the Impugned Order and accordingly, the same is dismissed.

SANJEEV NARULA, J

APRIL 2, 2024

nk