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

+ **CS(OS) 808/2022 I.A. 21641/2022 I.A. 6274/2024**

INDER PAL SINGH BAWA & ANR.Plaintiff

Through: Mr. Rajat Rana and Mr. Kushagra
Pandit, Advs.

versus

PARNAV SAHNEY & ANR.Defendant

Through: Mr. Mayank Goel, Mr. Diganta
Das & Mr. Manav Gupta, Advs.
for D-1 & 2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **24.01.2025**

I.A. 6274/2024 (For condonation of delay in filing the replication)

1. This application has been filed by the plaintiff for condonation of delay in filing the replication.
2. Counsel for plaintiff points out to order dated 20th January 2023, wherein this Court had recorded that the written statement had been filed on 19th January 2023. Paragraphs 8 and 9 of the said order are extracted hereunder for reference:

“8. Accordingly, the parties are referred to the Delhi High Court Mediation and Conciliation Centre, where they shall appear on 24.01.2023 at 3:00 PM.

9. In case the Mediation Proceedings fail, replication be filed within a period of four weeks of such failure.”

3. Mediation failed on 26th May 2023, which is an admitted position



between the parties.

4. As noted above, the Court had granted four weeks' time for the replication to be filed from such failure. However, plaintiff filed their replication *vide* Diary No.1773085 on 23rd September 2023. By this application, they seek condonation of a delay of 82 days in filing their replication.

5. By order dated 18th September 2023, the Joint Registrar (Judicial), while considering this application, listed the matter before this Court.

6. It is quite clear from the order dated 20th January 2023 that a period of four weeks was granted for filing the replication. Plaintiff ought to have been diligent in complying with the direction of this Court. As per the plaintiff's counsel the statutory period may not strictly be applicable, since it was direction of this Court, and therefore the decision in **Ram Sarup Lugani v. Nirmal Lugani** 2020 SCC OnLine Del 1353.

7. In the opinion of this Court this is a specious argument considering that a period of 30 days was granted to the plaintiff to file the replication after the failure of the mediation. Even if applying a similar principle and stretching it to a maximum of 45 days, it does not come to the aid of the plaintiff, since replication was filed approximately 82 days later.

8. Needless to state, the whole idea of the statutory limitation periods is to ensure expedition of suit and timely compliance. Plaintiff cannot take benefit of the direction of this Court in the order dated 20th January 2023 and seek condonation of delay. It is also not plaintiff's case that they had approached the Court prior to the expiry of four weeks after 26th May 2023 to seek an extension for that period.

9. In these circumstances, the application is dismissed.



CS(OS) 808/2022

1. List before the Joint Registrar (Judicial) for further proceedings on 25th February 2025.
2. Interim orders to continue.
3. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 24, 2025/MK/tk