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

+ **CS(OS) 774/2024**

RAJENDRA GUPTA

.....Plaintiff

Through: Mr. Varun Shankar, Ms. Ishita
Dahiya, Mr. Harsh Rastogi, Advs.

versus

MRS. HEM MANOHAR, & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.12.2025

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I.A. 30741/2025

1. This application under Section 5 of the Limitation Act, 1963 has been filed by the Plaintiff seeking condonation of delay of 134 days in filing the Replication to the Written Statement filed by the Defendants.
2. Written Statement was filed on 11.12.2024. However, since there was a delay of 44 days in filing the same, an Application being LA. No. 48280/2024, was filed by the Defendants seeking condonation of delay. The said Application was allowed *vide* Order dated 18.03.2025. On 22.07.2024 learned Counsel appearing for the Plaintiff sought some more time to file the Replication. Replication ought to have been filed on or before 02.05.2025. The Replication was filed on 04.12.2025.
3. Rule 5 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018, provides that the Plaintiff has 30 days to file the Replication from the



date of filing of the Written Statement. Rule 5, Chapter VII of the Delhi High Court (Original Side) Rules, 2018 further provides that if the Court is satisfied that the Plaintiff was prevented by sufficient cause for exceptional and unavoidable reasons in filing the replication within 30 days, it may extend the time for filing the same by a further period not exceeding 15 days but not thereafter.

4. Rule 5 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018, reads as under:

“CHAPTER VII

5. Replication.- The replication, if any, shall be filed within 30 days of receipt of the written statement. If the Court is satisfied that the plaintiff was prevented by sufficient cause for exceptional and unavoidable reasons in filling the replication within 30 days, it may extend the time for filing the same by a further period not exceeding 15 days but not thereafter. For such extension, the plaintiff shall be burdened with costs, as deemed appropriate. The replication shall not be taken on record, unless such costs have been paid/deposited. In case no replication is filed within the extended time also, the Registrar shall forthwith place the matter for appropriate orders before the Court. An advance copy of the replication together with legible copies of all documents in possession and power of plaintiff, that it seeks to file along with the replication, shall be served on the defendant and the replication together with the said documents shall not be accepted unless it contains an endorsement of service signed by the defendant/his Advocate.”

5. Rule 5, Chapter VII of the Delhi High Court (Original Side) Rules,



2018 expressly provides that after 45 days, the replication cannot be filed.

6. A Division Bench of this Court in Ram Sarup Lugani and Another v. Nirmal Lugani and Others, **2020 SCC OnLine Del 1353**, has held as under:

*“31. In view of the aforesaid discussion, it is held that in case of any inconsistency, the provisions of the Delhi High Court (Original Side) Rules, 2018 will prevail over the Civil Procedure Code. The inherent powers contemplated in Rule 16 are not to be exercised to overcome the period of limitation expressly prescribed in Rule 5 for filing the replication. Nor can Rule 5 be circumvented by invoking any other provision or even the inherent powers of the court, contrary to the scheme of the Rules. **The phrase, “but not thereafter” used in Rule 5 makes it crystal clear that the Rule is mandatory in nature and the court cannot permit the replication to be taken on the record after the plaintiff has exhausted the maximum prescribed period of 45 days. Any other interpretation will result in causing violence to the DHC Rules.**” (emphasis supplied)*

7. In view of the above, the Plaintiff has lost his right to file a Replication.

8. Accordingly, the present application is dismissed.

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List on 10.02.2026 before the Ld. Joint Registrar for completion of pleadings.

SUBRAMONIUM PRASAD, J

DECEMBER 09, 2025

Rahul