



2025:DHC:11002

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 745/2023**
ZEE ENTERTAINMET ENTERPRISES LIMITED
..... Plaintiff

Through: Ms. Kripa Pandit,
Mr. Christopher, Advocates

versus

MOHALLA TECH PRIVATE LIMITED Defendant

Through: Mr. Sandeep Das, Mr. Lakshya
Khanna, Ms. Kanak Malik,
Advocates

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)

% **ORDER**
04.04.2024

IA No. 4890/2024 on behalf of the defendant seeking
condonation of delay of 82 days in filing the written
statement.

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IA No. 4569/2024 by the defendant u/s 151 CPC seeking
condonation of delay of 82 days in filing the reply to I.A.
20602 of 2023 (under Order XXXIX Rule 1 & 2).

Common submissions were addressed on behalf of the defendant and the plaintiff in both the applications. Summons were accepted in the suit on 01.11.2023 before the Hon'ble Court. Notice in the IA No. 20602/2023 was also accepted on the same date.

The sole reason which has been highlighted by Id. Counsel for the defendant for seeking condonation of delay, during the course of oral submissions (but which ground has not been pleaded in the IAs), is that post 01.11.2023 when the summons



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were issued and accepted in the Court on behalf of the defendant, plaintiff had moved an application on 21.12.2023 seeking clarification in regard to the observation in para 17 of the order dated 01.11.2023 passed by the Hon'ble Court and consequently, there was a delay in filing reply to the injunction application and in filing the written statement.

Ld. Counsel for the plaintiff submits that the clarification application being referred to by ld. Counsel for the defendant had absolutely no bearing on the responsibility of the defendant to file the written statement and also the reply. This Court agrees with the submissions of ld. Counsel for the plaintiff for the reason that the said IA is still pending consideration before the Hon'ble Court and yet, the written statement and the reply have been filed i.e. on 23.02.2024, with delay. Going by the logic advanced by ld. Counsel for the defendant, if the clarification application had any bearing on the filing of the written statement or the reply, the same ought not to have been filed even till now and necessary instructions in this regard would have been sought from the Hon'ble Court. However, since the written statement has been filed within the overall condonable period of 120 days from the date of issuance of summons, the delay in filing the written statement is condoned and the written statement is taken on record subject however to a cost of Rs. 3000/-. Delay in filing the replication is also condoned for the same reason, subject to the same cost. Both costs to be paid to the plaintiff within two weeks failing which written statement / reply shall be deemed to have been taken off the record. Replication be filed within the period permissible, as worked out from today.

IA stands disposed off.



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Matter is already listed before the Hon'ble Court for 09.05.2024.

Put up before the Hon'ble Court on the date already fixed i.e. 09.05.2024, for further directions.

**Dr. AJAY GULATI (DHJS),
JOINT REGISTRAR (JUDICIAL)**

APRIL 4, 2024/sk

Click here to check corrigendum, if any