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

+ **CS(COMM) 883/2024**

VINIT DUA

.....Plaintiff

Through: Ms. Vindhya S. Mani, Mr. Pallaash Shankhdhar, Mr. Kartikay Singhal and Ms. Ardra Goodwin, Advocates.

versus

ALK ENTERPRISES & ANR.

.....Defendants

Through: Ms. Akanksha Sisodia, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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27.04.2026

CS(COMM) 883/2024 and CRL.M.A. 16635/2025, I.A. 41729/2024

1. List on 22.05.2026.

I.A. 16840/2025

2. This application is filed on behalf of the Plaintiff under Section 5 of Limitation Act, 1963 read with Section 151 CPC seeking condonation of delay of 54 days in filing the replication.

3. Issue notice.

4. Ms. Akanksha Sisodia, learned counsel accepts notice on behalf of the Defendants.

5. It is not disputed by counsel for the Plaintiff that the replication has been filed beyond the period of 45 days. In light of the judgment of the



Division Bench of this Court in ***Ram Sarup Lugani and Another v. Nirmal Lugani and Others, 2020 SCC OnLine Del 1353*** and of the Co-ordinate Bench in ***Jitin Garg v. Avinash Kumar Vasisth and Ors., MANU/DEOR/39681/2025***, delay cannot be condoned. Relevant paragraph from ***Ram Sarup Lugani (supra)*** is extracted hereunder for ready reference:-

“21. A conspectus of the decisions referred to above leaves no manner of doubt that where ever the phrase “but not thereafter” has been used in a provision for setting a deadline, the intention of the legislature is to treat the same as a preemptory provision. Thus, if Rule 15 of the DHC Rules mandates filing of a replication within a period of 30 days reckoned from the date of receipt of the written statement, with an additional period of 15 days provided and that too only if the court is satisfied that the plaintiff has been able to demonstrate that it was prevented to do so by sufficient cause or for exceptional and unavoidable reasons, can the time for filing the replication be extended for a further period not exceeding 15 days in any event, with costs imposed on the plaintiff. The critical phrase “but not thereafter” used in Rule 15 must be understood to mean that even the court cannot extend the period for filing the replication beyond the outer limit of 45 days provided in the DHC Rules. Upon expiry of the said period, the plaintiff’s right to file the replication would stand extinguished. Any other meaning sought to be bestowed on the above provision, would make the words “but not thereafter”, inconsequential.”

6. Application is accordingly dismissed.

JYOTI SINGH, J

APRIL 27, 2026/YA