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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 2/2025

NKG INFRASTRUCTURE LTD

..... Plaintiff

Through: Mr. Prakhar Tiwari & Mr.
Shikhar Tiwari, Advs. (appeared
through VC)

versus

BRILLTECH ENGINEERS PVT. LTD. AND ANR.

..... Defendant

Through: Mr. Ankur Singhal, Adv. for D-1
D-2 has been deleted vide order
dated 07/01/2025

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

22.05.2025

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**I.A.No.12992/2025 (under Section 5 of Limitation Act
and Order VIII Rule 1 CPC filed on behalf of
defendant for condonation of delay in filing the written
statement)**

1. Learned counsel for the plaintiff accepts notice of the captioned IA and submits that he does not wish to file reply.
2. It is averred in the captioned IA that the defendant was served with the summons of the suit on 10/03/2025. The defendant has filed the written statement on 20/05/2025. It is further averred that the written statement could not be filed within stipulated period of 30 days as there were bulky documents to be perused

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and it took time to prepare the written statement.

3. Heard. Record perused.
4. Perusal of record shows that the defendant was served with the summons of the suit 10/03/2025 and the written statement was filed along with the captioned IA on 20/05/2025. It is clear from the records that the defendant failed to file the written statement within the stipulated period of 30 days, however, the same was filed within the extended period of 120 days. Accordingly, the captioned IA is allowed. Delay in filing the written statement and affidavit of admission/denial of documents is condoned and the same are taken on record.
5. IA stands disposed of.

CS(COMM) 2/2025:

I.A. 79/2025 (under Order XI Rule 2 CPC);

I.A. 80/2025 (under Order XXXIX Rule 1 & 2 CPC) &

I.A. 81/2025 (under Order XXXIX Rule 10 CPC)

6. As per office note, court fee filed on behalf of the plaintiff has been returned under objection. Let appropriate steps be taken to have the same placed on record.
7. Written statement, affidavit of admission/denial of documents and reply to I.A.No. 80/20205 & 81/2025 filed on behalf of the defendants are taken on record today.
8. Learned counsel for the plaintiff submits that he will file replication and affidavit of admission/denial of documents within four weeks.

9. Let the pleadings be completed as per law.

10. Learned counsels for the parties submit that the matter

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may be placed before the Hon'ble Court on the date already fixed and they will make appropriate submissions before the Hon'ble Court.

11. At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **28th May, 2025.**

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 22, 2025/nk

Click here to check corrigendum, if any

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