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

+ RFA 1032/2018

JAGDIP KAUR Appellant

Through: Ms. Kanika Agnihotri, Advocate

versus

BANK OF INDIA & ANR Respondent

Through: Mr. Rajat Arora and Mr. Niraj
Kumar, Advocates for R-1.
Mr. Kunal Prakash, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **06.04.2023**

[The proceeding has been conducted through Hybrid mode]

CM APPL. 16509/2023

1. This is an application under Section 151 of CPC, 1908 whereby the respondent is seeking condonation of delay of about 70 days in filing the reply to CM APPL. 32500/2022.
2. Issue notice. Notice accepted by Ms. Kanika Agnihotri, learned counsel for appellant.
3. Ms. Agnihotri, learned counsel hotly contests the said application and invites attention of this Court to order dated 02.12.2022 to submit that learned Senior Counsel appearing for respondent no.2 on that day had given a statement that their reply to CM APPL. 46062/2022 is composite enough to take within its ambit the response to CM APPL. 32660/2022 and thus



learned counsel submits that there is no occasion for such an application to be heard or entertained.

4. In rebuttal, Mr. Kunal Prakash, learned counsel for respondent no.2 submits that the application bearing CM APPL.32500/2022 was served belatedly on the last week of November, 2022 giving no occasion for them to have filed reply thereto.

5. Be that as it may, reply to the present application be filed within two weeks from today. Rejoinder thereto, if any, may be filed within one week thereafter.

6. Ms. Agnihotri, learned counsel submits that for abundant precaution, rejoinder to the reply to CM APPL. 32500/2022 also will be filed alongwith the reply to the present application.

7. Ms. Agnihotri submits that filing of the rejoinder shall be without prejudice to the opposition that the appellant would have to the present application.

8. List alongwith appeal on 03.05.2023, the date already fixed.

TUSHAR RAO GEDELA, J

APRIL 6, 2023

Aj