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

+ CS(COMM) 1052/2018 and IA No. 10142/2018
(application filed by the plaintiff u/S 151 CPC for
condonation of delay in re-filing the suit)
COSCO INTERNATIONAL PVT. LTD. Plaintiff

Through: Mr. Chirag Rathi,
Advocate appeared
physically

versus

JAGAT SINGH DUGAR Defendant

Through: Ms. Renuka Arora,
Advocate appeared
through VC

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. TYAGITA
SINGH, (DHJS)

ORDER

% **10.02.2023**

*Matter is taken up through physical hearing as well as
video conferencing.*

**IA No. 14324/2022 (application under Chapter VII Rules 5 to
7 of the Delhi High Court (Original Side) Rules, 2018 r/w
Section 151 CPC for condonation of delay in filing replication
and affidavit of admission/denial)**

This application has been filed by the plaintiff for
condonation of delay of 15 days over and above period of 30
days in filing replication alongwith affidavit of admission/denial
to written statement of defendant.

Learned counsel for defendant has accepted notice and
stated that she does not wish to file reply.

Arguments heard.

Learned counsel for the plaintiff has stated that delay in
filing replication was caused due to the fact that judgment of the
Hon'ble Court in OA No. 21/2021 dated 06.04.2022 was released
on 20.04.2022, and thereafter the Director of plaintiff company,



namely Sh. Narender Kumar was hospitalized and admitted in Fortis Hospital on 18.05.2022 and he was discharged on 23.05.2022. Replication was prepared and filed on record on 03.06.2022. Learned counsel for the plaintiff has stated that the delay is neither intentional nor deliberate.

On the other hand, learned counsel for defendant has argued that time of four weeks granted vide judgment of the Hon'ble Court dated 06.04.2022 and was about to expire when the Director of the plaintiff company was admitted in the hospital and the reasons mentioned in the application are not valid and proper reasons for delay.

Heard. Keeping in view the abovestated submissions of the parties and reasons mentioned in the application, the present application stands allowed, subject to cost of Rs. 2,000/- to be paid to defendant by plaintiff. Replication alongwith affidavit of admission/denial is taken on record.

IA stands disposed off.

CS(COMM) 1052/2018

Replication alongwith affidavit of admission/denial has been taken on record. Learned counsel for the plaintiff has stated that he has filed two documents alongwith replication. Copy supplied.

Joint Documents Schedule, after obtaining comments from defendant in respect of all documents, be filed within four weeks.

Put up for admission/denial and marking of exhibits on 17th May, 2023.

**TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 10, 2023

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