



\$~6

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 1053/2018

RADHA PHOOL FIN-INVESTMENTS PVT. LTD.

..... Plaintiff

Through: Mr. Pradeep Bhardwaj, Adv.

versus

PARAMSUKH NIRMAN PVT. LTD.

..... Defendant

Through: Ms. Renuka Arora & Mr. Arun
Dalal, Advs.

CORAM:

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

ORDER

11.12.2024

%

**I.A.No.45638/2024 (under Section 151 CPC filed on
behalf of the plaintiff seeking condonation of delay in
filing replication)**

1. As per office note, replication and affidavit of admission/denial of documents filed on behalf of the plaintiff has been returned under objection.
2. Learned counsel for defendant accepts notice of the captioned IA and strongly opposed the captioned IA.
3. It is averred in the captioned IA that the written statement of the defendant was directed to be taken on record by the Hon'ble Court vide order dated 06.08.2024 and the plaintiff was granted time to file replication within the prescribed period. It is further averred that counsel for the plaintiff shared draft copy of replication with the plaintiff, who took time in



finalizing the same due to his prolonged illness associated with neurology, kidney, respiratory and heart related ailments as he is a senior citizen aged about 82 years. It is averred that the plaintiff is diligently pursuing his case and prayed that delay of 18 days in filing replication may be condoned.

4. Learned counsel for defendant submits that replication of the plaintiff cannot be permitted to be taken on record as even the extended period has also expired as the written statement of the defendant was permitted to be taken on record by the Hon'ble Court vide order dated 06.08.2024 and even as on date, replication filed by the plaintiff is lying under objection and plaintiff has failed to place the same on record. It is argued that in terms of Chapter VII Rule 4 of Delhi High Court Commercial Courts Act, 2018, the application is liable to be dismissed with cost.
5. Arguments heard. Record perused.
6. Perusal of record shows that on 06/08/2024, the Hon'ble Court directed the plaintiff to file replication within prescribed period. The plaintiff has filed replication on 08/10/2024, which is still lying under objection. It is quite evident from the record that the plaintiff has failed to file replication even within the extended period of 15 days after expiry of prescribed period of 30 days. Accordingly, the captioned IA is dismissed.
7. IA stands disposed of.

CS(COMM) 1053/2018

8. The matter is at the stage of admission/denial of



documents.

9. Re-notify the matter for admission/denial of documents on **17th March, 2025**.

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 11, 2024/nk
Click here to check corrigendum, if any