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

CNR No. DLHC011509552018

+ **CS(COMM) 1053/2018**

RADHA PHOOL FIN-INVESTMENTS PVT. LTD.Plaintiff

Through: **Mr. Nishant Dutta, Mr. Chirag Rathi
and Ms. Akshita Giri, Adv.**

versus

PARAMSUKH NIRMAN PVT. LTD.Defendant

Through: **Ms. Renuka Arora and Mr. Yatin
Arora, Adv. (through v/c)**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **03.09.2026**

IA No.7207/2025 (seeking condonation of delay of 59 days in filing the appeal)

1. This is an application filed by the plaintiff seeking condonation of delay of 59 days in filing the appeal.
2. Considering the averments made in the application, the same is allowed and delay of 59 days in filing the appeal stands condoned.
3. The application stands disposed of.

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4. The present appeal assails an order dated 11.12.2024, passed in the present proceedings by the learned Joint Registrar (Judicial). The same reads as under:



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.

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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.

5. During the course of hearing, learned counsel for the plaintiff does not dispute the correctness of the directions contained in the aforesaid order inasmuch as the same records that the plaintiff had failed to file the replication even within the permissible extended period.

6. Learned counsel for the plaintiff confines to seeking that the plaintiff's affidavit of admission / denial be allowed to be placed on record even if the plaintiff is not permitted to file the replication. It is noticed that this aspect was not specifically urged before the learned Joint Registrar (Judicial).

7. Accordingly, the appeal is disposed of with liberty to the plaintiff to urge this aspect before the learned Joint Registrar (Judicial) which shall be considered in accordance with law.

8. Learned counsel for the defendant draws attention to the Rule 7 of Chapter VII of Delhi High Court (Original Side) Rules, 2018 and submits



that, in the present circumstances, the same would preclude the filing of an affidavit of admission / denial. The said aspect shall also be duly considered by the learned Joint Registrar (Judicial).

9. The appeal is disposed of in the above terms.

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10. List before the concerned Joint Registrar (Judicial) on 07.10.2026.

SACHIN DATTA, J

SEPTEMBER 3, 2026/cl