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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 3370/2014**
SATBIR SINGH

.....Plaintiff

Through: Mr. N. Prabhakar, Adv. (Mobile No.
9818943604)

versus

TEJVIR SINGH AND OTHERS

.....Defendant

Through: Mr. J.S. Narula, Adv. for D-1
Mr. Rishi Sood, Adv. for D-2
Mr. Rewant Chandna, Adv. for D-4 &
5

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR
GARG (DHJS)

ORDER
% **29.03.2022**

CRL.M.A. 37113/2019

1. It is submitted that the application shall come up before the Hon'ble Court at the stage of final hearing of the suit, as per directions of the Hon'ble Court vide order dated 27/09/2019.

I.A.No.5848/2021 (under Section 5 of Limitation Act filed on behalf of the plaintiff for condoning the delay of 181 days in filing the replication to the amended written statement of the defendant no.1)

1. It is interalia averred in the application that application filed by the defendant no.1 for amending the written statement earlier filed was allowed on 13/02/2020 by the Hon'ble Court and the written



statement as amended was taken on record subject to payment of cost of Rs. 10,000/-. It is further averred that applicant's counsel had prepared the duly typed replication on 16/03/2020 and handed over the same along with draft of affidavit of the applicant to his clerk to ensure that replication was filed on filing counter well within time, before the clerk of counsel for applicant could do the needful, the Court was ordered to be closed due to spread of Corona Virus. It is further averred that period may be exempted in view of order passed by Hon'ble Supreme Court of India extending the time of limitation in view of Pandemic Covid-19.

2. No reply to this application has been filed on behalf of the defendants. However, learned counsel for the defendant no.1 has objected the condonation of delay in filing the replication.
3. I have heard learned counsels for both the parties and perused the material available on record carefully.
4. Learned counsel for the plaintiff contended that his clerk had gone for filing the replication on 16/03/2020 however due to the Pandemic of Covid-19, the same could not be filed. He further contended that February, 2020 was month of 29 days and sincere efforts were made on behalf of the plaintiff to file the replication within time.
5. Perusal of the file shows that written statement as amended was ordered to be taken on record by the Hon'ble Court vide order dated 13/02/2020. The replication had been filed on behalf of the plaintiff on 03/03/2021, however same was returned under objection. Thereafter, same was filed on 02/12/2021 vide diary no.



1012159.

6. Thus keeping in view the averments made by applicant/plaintiff and in view of directions of Hon'ble Apex Court in Re: Cognizance for Extension of Limitation; Suo Motu WP(C) No.3/2020, the application of the plaintiff/applicant stands allowed. Replication is taken on record.
7. IA stands disposed off.

CS(OS) 3370/2014 & I.A.No.21905/2014 (under Order XXXIX Rule 1 & 2 CPC)

1. Learned counsel for the defendant no.2 submits that the defendant no.2 has expired and he has already provided details of LR's of defendant no.2 to learned counsel for the plaintiff.
2. Plaintiff to take appropriate steps.
3. It is submitted that the matter is coming up before the Hon'ble Court 01/04/2022 (*as per adjourned en bloc dates*).
4. Let the matter be placed before the Hon'ble Court for further directions on the date already fixed i.e. **01st April, 2022.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 29, 2022/nk

[Click here to check corrigendum, if any](#)