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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1130/2016**
AAP KI PASAND & ANR

..... Plaintiff

Through: Mr.Ashwin Kumar DS, Ms.Surbhi
Mehta & Ms.Manmeet Kaur, Advs.

versus

HIMALAYAN LEAF PVT LTD

..... Defendant

Through: Ms.Namrata Sharma, Mr.Sandeep
Bajaj & Ms.Aakanksha Nehra, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

16.11.2022

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I.A. 14351/2022

1. This application has been filed by the defendant/applicant praying for condonation of delay in re-filing of the application, being I.A. 14350/2022 under Order XI Rule 12 read with Section 151 of the Code of Civil Procedure, 1908, by which the defendant is seeking to place additional documents on record.
2. In the present application, it is stated that the application was originally filed on 04.04.2022. Certain defects were notified by the Registry of this Court. I.A. 14350/2022 was thereafter filed, *albeit* with delay in re-filing.
3. In paragraph 4 of the application, it is stated as under:-

“4. It is submitted further, that delay in refiling after said notified defects was on account of fact that the Defendants' Client/ Authorised Director was engaged



in collecting evidence in their support from similar entities. This exercise took time and only one such entity/ party has agreed to support the stance of the Defendant being of similar nature in relief.”

4. Though, the above ground cannot justify the delay in re-filing the application, inasmuch as, the defendant/applicant itself admits that the delay was not on account of rectifying the defects pointed out by the Registry, but its own intent to collect further evidence to be filed along with the application, in my opinion, the application, that is, I.A. 14350/2020 deserves to be considered on merits. I am guided by the principle that the Court should be more liberal while considering an application seeking condonation of delay in re-filing.

5. Accordingly, the present application is allowed and the delay in re-filing of the application being I.A. 14350/2022 is condoned.

I.A. 14350/2022

6. Arguments heard.

7. Judgment reserved.

NAVIN CHAWLA, J

NOVEMBER 16, 2022/rv