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

+ **CS(COMM) 1136/2018**

**MR. TOSHIKI AIBA AS THE BANKRUPTCY TRUSTEE OF
THE ESTATE OF VIPAN KUMAR SHARMA**

..... Plaintiff

Through: Ms. Savita Sarna, Ms. Manika Munjal
& Ms. Natasha Sahni, Advocates.

versus

MR. VIPAN KUMAR SHARMA & ANR.

..... Defendant

Through: Ms. Divyakant Lahoti, Ms. Amrita
Grover and Ms. Praveena Bisht,
Advocates for D-2.

**CORAM:
SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

**ORDER
30.05.2019**

**I.A.No. 8192/2019 under Section 151 CPC filed on behalf of the plaintiff
for condonation of delay in filing the rejoinder**

It is submitted by counsel for the plaintiff that in the aforesaid application, inadvertently the word 'rejoinder' has been mentioned instead of 'replication'. It is further submitted by counsel for the plaintiff the word 'rejoinder' be read as 'replication'.

Counsel for the defendant no.2 accepts the notice of the aforesaid application and submitted that no sufficient ground has been mentioned by

the plaintiff in the present application for not filing the replication within time and the application of the plaintiff be dismissed subject to cost.

It is submitted by counsel for the plaintiff that in the present case, the replication to the written statement of the defendant no. 2 could not be filed within time due to the reasons as mentioned in the aforesaid application and the delay in filing the same be condoned.

Arguments heard on the aforesaid application of the plaintiff. Perused the material available on record. Considering the facts, circumstances and in view of the submissions made, aforesaid application of the plaintiff is allowed subject to cost of Rs. 3,000/- to be deposited with Army Welfare Fund Battle Casualties. Receipt of cost be filed before the next date of hearing. Delay in filing the replication to the written statement of the defendant no. 2 is condoned. Replication already stated to be filed. Copy already stated to be supplied.

IA stands disposed of.

VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 30, 2019/nk