

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CMP MO No. 671 of 2025

Decided on: 25.11.2025

Digvijay Sabharwal

..... Petitioner

Versus

Ajay Kumar

.....respondent

Coram:

Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting? ¹

For the petitioner : Mr.Y.P Sood, Advocate.

For the respondent : Nemo.

Bipin Chander Negi, Judge (oral)

Present petition has been preferred against the impugned order dated 12.09.2025, whereby right to file the replication by the present petitioner/plaintiff before the Trial Court has been closed.

2. Heard learned counsel for the petitioner and perused the impugned order of the trial Court appended along with the present petition.

3. The written statement was filed on 25.07.2025, on filing of the same, right to file the replication was afforded to the present petitioner/plaintiff by the Trial Court. Matter was

¹ Whether the reporters of the local papers may be allowed to see the judgment?

thereafter posted for the said purpose on 12.09.2025. On 12.09.2025, besides filing of the replication by the present petitioner/plaintiff before the Trial Court, the matter was fixed for framing of issues. On 12.09.2025, no replication was filed before the trial Court, hence, right to file the replication of the petitioner was closed and issues were framed. Thereafter, the matter was posted for 07.10.2025 for recording of plaintiff's evidence.

4. The present petition has been preferred on 11.11.2025. During the interregnum from 12.09.2025, matter has been listed before the Trial Court on 07.10.2025.

5. Heard on the aforesaid.

6. Replication' and 'rejoinder' have well defined meanings. Replication is a pleading by plaintiff in answer to defendant's plea. A replication to written statement is not to be filed nor permitted to be filed ordinarily, much less in routine. Court would direct or permit replication being filed when having scrutinized plaint and written statement the need of plaintiff joining specific pleading to a case specifically and newly raised in written statement is felt. A mere denial of defendant's case by plaintiff needs no replication.

7. On a pointed query made to the learned counsel appearing for the petitioner/plaintiff as to what is the case specifically and newly raised in the written statement, to which, a

replication is required to be filed. Nothing could be pointed out by the learned counsel for the petitioner, whereby the right to file replication, could be claimed. In view thereof, the present petition stands disposed of.

8. Pending application(s), if any, also stand disposed of.

(Bipin Chander Negi)
Judge

November 25th, 2025
(meera)