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

% *Date of Decision : 08.05.2026*

+ FAO (COMM) 79/2026
RITIK KUMAR

.....Appellant

Through: Mr. Vinay P. Tripathi, Mr. Abhinav
Jaganathan and Ms. Preeti Shukla,
Adv.

versus

R.H. AGRO OVERSEAS

.....Respondent

Through: Ms. Rima Majumdar, Ms. Deboleena
Dutta, Ms. Prashni Kathuria and Mrs.
Bindra Rana, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

CM APPL. 31082/2026 (for clarification of order dated 07.04.2016)

1. The present appeal stands disposed of vide judgment dated 07.04.2026. In the said judgment, this Court had passed the following relevant directions:

“26. Accordingly, while sustaining the grant of ad-interim ex-parte injunction, the impugned order is modified to the extent that the application under Order XXXIX Rules 1 and 2 CPC shall be treated as pending and shall be decided afresh by the Trial Court after granting an opportunity to the Appellant to file its reply and advance submissions, in accordance with law. The application will be decided by the Trial Court without being influenced by the findings returned by it in the impugned order and any observation made in this appeal. All rights and



contentions of the parties are left open.

27. The Appellant is directed to file its reply to the injunction application and its written statement within one (1) week, along with affidavit of admission/denial of documents. The Respondent is directed to file its rejoinder and replication within one (1) week thereafter, along with affidavit of admission/denial of documents. The Trial Court is requested to hear and adjudicate the injunction application within a period of one (1) month from the date of completion of pleadings and no later than 30.05.2026.”

2. Learned counsel for the applicant/appellant states that the appellant has filed its written statement along with documents, reply to the application under Order XXXIX Rule 1 and 2 Code of Civil Procedure, 1908, [‘CPC’], and the affidavit of admission/denial of documents as directed vide judgment dated 07.04.2026; however, the same have been filed beyond the period stipulated in paragraph 27 of the judgment, whereafter, the Trial Court, vide order dated 05.05.2026, declined to take the pleadings on record.

3. Ms. Rima Majumdar, learned counsel for the non-applicant/respondent, appears on advance service.

4. She states that the non-applicant/respondent has also filed its replication, additional documents, affidavit of admission/denial of documents filed by the applicant/appellant and rejoinder to the application under Order XXXIX Rule 1 and 2 CPC.

5. She states that the reasons stated by the applicant/appellant for seeking extension of time were not bonafide, and it was on these facts that the respondent had opposed taking the applicant/appellant’s pleadings on record, on 23.04.2026. She, however, clarifies that the applicant/appellant has filed the pleadings within the statutorily permissible period of 120 days.



6. We have heard the learned counsel for the parties and perused the record.

7. In our considered opinion, any opposition by the non-applicant/respondent to the written statement and the reply to Order XXXIX Rule 1 and 2 CPC filed by the applicant/appellant, being taken on record would be contrary to the intent of the order dated 07.04.2026.

8. In view of the fact that the written statement has been filed on 23.04.2026, which is within the permissible statutory period of 120 days, we do not see any merit in forfeiting the applicant's right to file the written statement and the reply to the Order XXXIX Rules 1 and 2 CPC application, solely based on the directions contained in the order dated 07.04.2026, as the said timelines were issued for the benefit of the applicant/appellant herein to ensure expeditious and time bound disposal of the injunction application.

The only consequence of the appellant not adhering to the timeline prescribed in our order dated 07.04.2026 was that the adjudication of the injunction application would be delayed due to the acts and omissions of the appellant itself, however, the intent was not to forfeit the right of the applicant/appellant to file its pleadings if otherwise the same are within the statutory permissible timeline.

9. We accordingly direct that the pleadings filed by the applicant/appellant and the non-applicant/respondent, its admission/denial of documents as well as the documents filed by the parties as noted in the order dated 05.05.2026, be taken on record so that the application under Order XXXIX Rule 1 and 2 CPC as well as the suit is decided on merits.

10. With the aforesaid directions, the timelines for the applicant to file the



pleadings stand extended, and this application stands disposed of.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

MAY 08, 2026/hp