



2026:DHC:3140



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 15th April, 2026**

+ CS(OS) 876/2024 & I.A. 24738/2025

ONEXTEL MEDIA PVT LTD AND ANR.Plaintiffs
Through: Mr. Mamta Tiwari and Mr. Vijay
Kumar, Advs.
Mob: 9891466518
Email: vijay.kumar@foxmandal.com

versus

ANIL KUMAR EDITOR IN CHIEF TELECOM LIVE MAGAZINE
& ANR.Defendants
Through: Mr. Pranav Sachdeva, Mr. Sanyam
Jain, Mr. P. Rohit Ram, Ms.
Khushboo Singhal and Ms. Mishra
Divya Santosh, Advs. for D-1 & 2
Mob: 801064429
Email: sanyam4231@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

ORDER

15.04.2026

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This Case is being taken up today as 14th April, 2026 was declared as a holiday on account of 'B.R. Ambedkar Jayanti'.

I.A. 24738/2025

1. The present application has been filed on behalf of the plaintiffs seeking condonation of delay of 128 days in filing the replication.
2. This Court notes that the time period for filing of replication is



governed by Rule 5 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018 which is reproduced as under:

“xxx xxx xxx

5. Replication.-The replication, if any, shall be filed within 30 days of receipt of the written statement. If the Court is satisfied that the plaintiff was prevented by sufficient cause for exceptional and unavoidable reasons in filing the replication within 30 days, it may extend the time for filing the same by a further period not exceeding 15 days but not thereafter. For such extension, the plaintiff shall be burdened with costs, as deemed appropriate. The replication shall not be taken on record, unless such costs have been paid/ deposited. In case no replication is filed within the extended time also, the Registrar shall forthwith place the matter for appropriate orders before the Court. An advance copy of the replication together with legible copies of all documents in possession and power of plaintiff, that it seeks to file along with the replication, shall be served on the defendant and the replication together with the said documents shall not be accepted unless it contains an endorsement of service signed by the defendant/ his Advocate.

xxx xxx xxx”

(Emphasis Supplied)

3. Perusal of the aforesaid Rule clearly shows that the period of filing replication has been stipulated as 30 days. Further, the Court may extend the period for filing the replication for further period of 15 days, if sufficient cause is shown, but not thereafter.

4. This Court notes that the Division Bench of this Court in the case of ***Ram Sarup Lugani and Another Versus Nirmal Lugani and Others, 2020 SCC OnLine Del 1353***, while dealing with the power of the Court to condone delay in filing replication, has categorically held that the Delhi High Court (Original Side) Rules, 2018 will prevail over the Code of Civil Procedure, 1908 (“CPC”). Therefore, the phrase, “*but not thereafter*” used in Rule 5 of the Delhi High Court (Original Side) Rules, 2018, as aforesaid, is mandatory in nature and the Court cannot permit the replication to be



taken on record beyond the prescribed period of 45 days. Thus, it was held as follows:

“xxx xxx xxx

31. In view of the aforesaid discussion, it is held that in case of any inconsistency, the provisions of the Delhi High Court (Original Side) Rules, 2018 will prevail over the Civil Procedure Code. The inherent powers contemplated in Rule 16 are not to be exercised to overcome the period of limitation expressly prescribed in Rule 5 for filing the replication. Nor can Rule 5 be circumvented by invoking any other provision or even the inherent powers of the court, contrary to the scheme of the Rules. The phrase, “but not thereafter” used in Rule 5 makes it crystal clear that the Rule is mandatory in nature and the court cannot permit the replication to be taken on the record after the plaintiff has exhausted the maximum prescribed period of 45 days. Any other interpretation will result in causing violence to the DHC Rules.

xxx xxx xxx”

(Emphasis Supplied)

5. Considering the aforesaid, no merit is found in the present application. The application is accordingly dismissed.

CS(OS) 876/2024

6. List before the Joint Registrar (Judicial) for further proceedings on 25th May, 2026.

MINI PUSHKARNA, J

APRIL 15, 2026/ak