



2025:DHC:283



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 686/2023, I.A. 7655/2024, I.A. 7656/2024, I.A.
32131/2024 & I.A. 32934/2024

NEERAJ SARAN SRIVASTAVA & ANR.Plaintiffs

Through: Mr. Raj Shekhar Rao, Sr. Adv. with
Mr. Achuthan Sreekumar, Mr. Rohil
Bansal and Mr. Swastik Bisarya,
Advs.
M: 9079965359

versus

LOUDON OWEN & ORS.Defendants

Through: Mr. Tushar Singh, Adv. (Through
VC) for D-1.
M: 9811634530
Dr. Abhimanyu Chopra, Mr. Varun
Lamba, Mr. Aman Chaudhary and
Mr. Kushagra Jain, Adv. for D-2.
M: 9891434361
Mr. Faisal Hasan, Adv. for D-3.
M: 8273309452
Email: faisalhasan2486@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

JUDGMENT

%

20.01.2025

MINI PUSHKARNA, J:

I.A. 7655/2024, I.A. 7656/2024, I.A. 32131/2024 & I.A. 32934/2024

1. I.A. 7655/2024 and I.A. 7656/2024 have been filed in the present suit on behalf of the plaintiffs, seeking condonation of delay of 1 (one) day in



2025:DHC:283



filing the replications to the written statements filed by the defendants and to take the same on record.

2. On the other hand, *I.A. 32131/2024* and *I.A. 32934/2024*, have been filed on behalf of defendants, seeking striking off replications filed on behalf of the plaintiffs.

3. The case, as canvassed on behalf of the parties in the aforesaid applications, is as follows:

3.1 This Court vide order dated 06th October 2023 issued summons to defendants. Subsequent thereto, the defendant nos. 1 and 2 filed their written statements on 30th January 2024, i.e., with a delay of 88 (Eighty Eight) days beyond the 30 (Thirty) days' timeline.

3.2 The defendants filed applications, i.e., *I.A. 3525/2024* and *I.A. 3526/2024*, seeking condonation of delay of 88 days in filing the written statements. The said applications were listed before the Court on 14th February 2024. By order dated 14th February, 2024, the delay in filing the written statements was condoned subject to payment of cost. In the said order, while condoning delay in filing written statements, it was also recorded that the written statements shall form part of the record, subject to clearance of the costs and that the limitation to file the replications would begin from the date when the costs are paid.

3.3 Since the costs were paid by the counsels for defendant nos. 1 and 2 on 14th February 2024 itself, the 30-day time period for filing the replications as per the Delhi High Court (Original Side) Rules, 2018, was to expire on 14th March 2024. However, since the plaintiffs' authorized representative and signatory was in a personal difficulty, the replications were filed on 15th March 2024, with a delay of 1 day.



2025:DHC:283



3.4 Thereafter, on 19th March 2024, certain defects were notified by the Registry which were cleared on the same day and the replications along with affidavit of admission and denial, was re-filed vide the same diary number.

3.5 Thereafter, defects were marked once again by the Registry on 21st March, 2024, stating that the replications had been filed after due time.

3.6 The aforementioned defect in filing the replications after due date was notified and brought to the notice of the plaintiffs' counsel through E-mail on 27th March, 2024.

3.7 Thus, *I.A. 7655/2024* and *I.A. 7656/2024* have been filed by the plaintiffs seeking condonation of delay of 1 day in filing the replications.

3.8 Whereas, *I.A. 32131/2024* and *I.A. 32934/2024* have been filed by the defendants seeking striking off the replications on account of the averment that the condonation of delay applications should have been filed within 7 (seven) days of the defects being noted, i.e., on or before 28th March 2024.

4. On behalf of the plaintiffs, following submissions have been made:

4.1 The defect of filing the replications after the due time was notified/communicated/informed to the plaintiffs' counsel by the Registry of the Delhi High Court for the first time only on 27th March 2024.

4.2 The challenge of not filing the applications seeking condonation of delay in filing the replications after due time is unsustainable because the same is merely a procedural defect which can be cleared within 30 days from the date on which such defect is notified, which is in compliance of Chapter IV Rule 3 of the Delhi High Court (Original Side) Rules, 2018.

4.3 The final versions of the replications were filed on 19th March 2024, i.e., well within the prescribed outer time limit of 45 days for filing the replication and the condonation of delay application was filed on 02nd April



2025:DHC:283



2024, i.e., within the prescribed 7 days of the 30 days aggregate time period available under Chapter IV Rule 3 of the Delhi High Court (Original Side) Rules, 2018, for curing such defects from the date when such defect was notified to the plaintiffs' counsel by the Registry of the Delhi High Court.

4.4 The defendant nos. 1 & 2 filed applications bearing *I.A. Nos. 32131/2024 & 32934/2024* respectively, seeking striking off the replications which were filed by the plaintiffs well within the outer time limit of 45 days.

4.5 The defendant nos. 1 and 2 admit in their applications that the final versions of the replications, along with the affidavits of admission & denial, had been filed on 19th March 2024, i.e., within the outer time limit of 45 days.

4.6 As long as the replication has been filed within the outer time limit of 45 days and the subsequent defects that are notified by the Registry are cured within the aggregate time period of 30 days, the same should be taken on record.

4.7 Defendant nos. 1 and 2, who themselves filed their written statements with an admitted delay of 86 days, have no rights in either law or equity to point fingers at the plaintiffs and challenge their replications, which have been filed with a delay of merely 4 days, if not 1 day.

4.8 A large number of documents had to be studied, collated, and filed which took some time. Moreover, the plaintiffs' authorized representative was in a personal difficulty due to which the signing and notarization of formalities got delayed. Thus, sufficient cause has been shown by the plaintiffs for filing the replication with a minor delay due to voluminous pleadings which had to be scrutinized before preparing the replications.

5. On behalf of the defendants, following submissions have been made:



2025:DHC:283



5.1 The replications filed by the plaintiffs on 15th March 2024, were filed without being duly executed and/or due attestation and notarization. In this regard, provisions of Order VI Rule 14 and 15 of the CPC are significant, as they mandate pleadings to be signed and affirmed by parties before they are filed in a court of law. Thus, the said replications, without duly executed and attested affidavit and statement of truth, ought to be treated as *non-est*.

5.2 The timeline for filing replication i.e., 45 days, conferred and stipulated by the Delhi High Court (Original Side) Rules, 2018, is sacrosanct and ought to be strictly interpreted.

5.3 The replications must have been accompanied by the condonation of delay applications, which ought to have been mandatorily filed within the timeline prescribed under the Delhi High Court (Original Side) Rules, 2018. The condonation of delay applications were only preferred beyond the outer limit of 45 days, and therefore, the replications filed by the plaintiffs ought not to be taken on record.

5.4 As per Chapter IV Rule 3 of the Delhi High Court (Original Side) Rules, 2018, any defects must be rectified within 7 days from the date of filing. Therefore, in line with the said Rules, the condonation of delay application should have been filed within 7 days of the defects being noted, i.e., on or before 28th March 2024.

5.5 The applications filed by the plaintiffs seeking condonation of delay in filing their replication have been preferred beyond the outer limit of 45 days. Therefore, delay cannot be condoned at all. Thus, the replications filed on behalf of the plaintiffs, are liable to be struck off.

5.6 Reliance has been placed on *Atlantech Online Services Pvt. Ltd. & Anr. Versus Google India Pvt. Ltd. & Anr., 2023 SCC OnLine Del 5476*,



2025:DHC:283



Friends Motel Pvt. Limited Through its Director Mr. Arun Dwivedi Versus Shreeved Consultancy LLP and Others, 2020 SCC OnLine Del 2072, Vidhi Electrical and Engineering Company Versus C and S Electric Ltd. and Another, 2022 SCC OnLine Del 1429 and Ram Sarup Lugani and Another Versus Nirmal Lugani and Others, 2020 SCC OnLine Del 1353.

6. I have heard learned counsels for the parties and have perused the record.

7. The question to be decided by this court is as to whether the replications filed by the plaintiffs can be taken on record, in terms of the prayers made by the plaintiffs or whether the same are liable to be struck off, in terms of the prayers made by the defendants.

8. Perusal of the record shows that the delay in filing the written statements by the defendant nos. 1 and 2, which were filed with delay of 88 days, were condoned and the written statements were directed to be taken on record, subject to payment of costs, vide order dated 14th February, 2024. Further, the said order recorded that the limitation to file the replications would begin from the date when the costs were paid.

9. Since the costs were paid by defendant nos. 1 and 2 on 14th February, 2024 itself, the 30 day time period for filing the replications as per the Delhi High Court (Original Side) Rules, 2018, was to expire on 14th March, 2024.

10. However, the replications were actually filed on 15th March, 2024. Certain defects were notified by the Registry on 19th March, 2024, which were cleared by the plaintiffs on the same day and the replications along with admission/denial, were re-filed on 19th March, 2024 itself. Thereafter, defects were again marked by the Registry on 21st March, 2024, stating that the replications had been filed after due time. The said defects, as marked on



2025:DHC:283



21st March, 2024, were notified to the plaintiffs through E-mail on 27th March, 2024.

11. Pursuant thereto, applications being *I.A. 7655/2024* and *I.A. 7656/2024*, were filed by the plaintiffs on 02nd April, 2024, seeking condonation of delay of one day in filing the replications.

12. Per contra, applications being *I.A. 32131/2024* and *I.A. 32934/2024*, have been filed by the defendants seeking striking off the replications filed by the plaintiffs.

13. Counting the period for filing the replications by the plaintiffs from 14th February, 2024, in compliance with the provisions of Chapter VII, Rule 5 of the Delhi High Court (Original Side) Rules, 2018, the 30 days period for filing the same, was till 14th March, 2024, and the 45 days period was till 29th March, 2024.

14. It is undisputed that the replications were filed by the plaintiffs, firstly, on 15th March, 2024 and thereafter, after removal of objections on 19th March, 2024. The only objection that was raised by the Registry subsequently on 21st March, 2024, and notified by the Registry to the plaintiffs on 27th March, 2024, was regarding delay in filing the replications. As per the facts and documents on record, the applications seeking condonation of delay in filing the replications were filed by the plaintiffs on 02nd April, 2024, i.e., within 7 days from the date on which the defect of late filing was notified to the plaintiffs by the Registry via E-mail. Thus, it is evident that the objection regarding delay in filing replications was cured in compliance with Chapter IV, Rule 3 of the Delhi High Court (Original Side) Rules, 2018.

15. The contentions raised by defendant nos. 1 and 2 that the replications



cannot be taken on record, as the applications seeking condonation of delay in filing the replications, were filed beyond the outer limit of 45 days, cannot be accepted. It is evident that while the replications were filed within the statutory period of 45 days, the applications seeking condonation of delay were also filed within 7 days of notification of the objection in this regard. With regard to removal of objections upon the Registry specifying the same, Chapter IV Rule 3 of Delhi High Court (Original Side) Rules, 2018, provides as under:

“3. Defective pleading/document.—(a) Upon scrutiny, if any pleading(s)/ document(s) are found defective, the Deputy Registrar/ Assistant Registrar, Incharge of the Filing Counter, shall specify the objection(s), a copy of which will be kept for the Court Record, and return for removal of objection(s) and re-filing within a time not exceeding 7 days at a time and 30 days in aggregate. On every re-filing caveat clearance shall be taken. In addition, the party must again serve the corrected copy upon the caveator(s) who had a valid caveat at the time of the first filing.

(b) If the pleading(s)/ document(s) are not taken back for removal of objection(s) within 30 days time allowed under sub-Rule (a), it shall be listed before the Court for appropriate orders.

The 30 days' period for the purpose of (a) and (b) above, shall commence from the date when the Registry raises the objections on the pleading/document filed.

(c) If the pleading(s)/ document(s) are filed beyond the time allowed under sub-rule (a) it shall be accompanied with an application for condonation of delay in re-filing.]”

16. Reading of the aforesaid clearly shows that if any pleadings or documents are found defective by the Registry upon scrutiny, the objections are to be removed and re-filed within a time not exceeding 7 days at a time, and 30 days in aggregate. The time period as prescribed, has been duly complied by the plaintiffs in the present case, in filing the applications seeking condonation of delay in filing the replications, which were filed



within 7 days of notifying the objections regarding delay by the Registry.

17. As noted above, the replications themselves were filed within the outer limit of 45 days. Merely, not filing an application seeking condonation of delay, does not make a filing *non-est*. This is a procedural defect and is curable in accordance with the provisions under Chapter IV of Delhi High Court (Original Side) Rules, 2018.

18. While dealing with a very similar matter, where the written statement had been filed on the 34th day of the service of notice of summons, but the application for condonation of delay had been filed beyond 120 days, while directing the written statement to be taken on record, Supreme Court in the case of *A. P. Distributors and Another Versus OK Play India Pvt. Ltd.*¹, has held as follows:

“Leave granted.

Having heard learned counsel for the respective parties and in the facts and circumstances of the case and considering the fact that the written statement was filed on the 34th day of the service of notice of summons, however, the application for condonation of delay was filed which was beyond the period of 120 days, the High Court has taken too technical view in setting aside the order passed by the learned Commercial Court directing to accept the written statement filed on behalf of the appellants/defendants. The High Court was not justified in setting aside the order passed by the learned Trial Court directing to take the written statement on record.

In view of the above and for the reasons stated hereinabove, the present appeals succeed. The impugned judgment and orders passed by the High Court are hereby quashed and set aside and the order passed by the learned Trial Court directing to take written statement on record after condoning the delay in submitting the written statement is hereby restored.

The present Appeals are accordingly allowed. No costs.”

(Emphasis Supplied)

¹ 2022 SCC OnLine SC 1512



19. Likewise, the Division Bench of this Court in the case of *Saneh Kumar Mittal and Others Versus Sadhna Gupta*², directed a written statement filed within the statutory period to be taken on record, though the application for condonation of delay was filed only subsequently, after the expiry of the time period of 120 days, the outer limit within which a written statement is required to be filed. Thus, it was held as follows:

“xxx xxx xxx

8. *The relevant chronology of dates, as per the Appellants, regarding filing of the written statement is as under:-*

Dates	Events
01.03.2018	Delhi High Court (Original Side) Rules, 2018 came into force.
30.07.2018	Summons are issued to all Defendants in CS (OS) 369/2018, returnable on 24 th September, 2018.
19.08.2018	It is alleged that summons was served on Appellant No. 2, however, Appellant Nos. 5 and 6 were never served in the matter.
01.11.2018	Format of filing of affidavit of admission and denial came into effect by way of amendment dated 16 th October, 2018 to the Delhi High Court (Original Side) Rules, 2018.
04.12.2018	<u>Appellant Nos. 2, 5 and 6 are stated to have filed their joint written statement, however, the same was under objections.</u>
07.12.2018	Appellant Nos. 2, 5 and 6 directed by ld. Joint Registrar to clear objections and bring the joint written statement on record.
17.12.2018	<u>Time period of 120 days prescribed under Rule 4 Chapter VII of Delhi</u>

²2024 SCC OnLine Del 7025



	<u>High Court (Original Side) Rules, 2018 for filing written statement qua Appellant Nos. 2, 5 and 6 is stated to have expired.</u>
16.02.2019	<u>Application for condonation of delay in filing of the joint written statement is stated to have been filed on behalf of Appellant Nos. 2, 5 and 6.</u>
26.02.2019	Appellant Nos. 2, 5 and 6 re-filed their written statement along with an affidavit of admission/denial.

xxx xxx xxx

26. Coming to the facts of the present case, the fact that the written statement in the present case was initially filed by the concerned Appellants on 4th December, 2018, within the limitation period of 120 days, is not disputed. It was later filed with an application for condonation of delay and the affidavit of admission/denial. The delay in filing the affidavit of admission/denial being one in re-filing, the same is condoned.

xxx xxx xxx”

(Emphasis Supplied)

20. Similarly, a Coordinate Bench of this Court while deciding whether a written statement can be taken on record, when the same is filed within the outer limit of 120 days, however, without an affidavit of admission and denial and the said defect is cured only after expiry of the period of 120 days, has held that removal of defects has to be seen in the overall period of 30 days, which is permissible under Rule 3 of Chapter IV of the Delhi High Court (Original Side) Rules, 2018. Thus, in the case of **COSCO (India) Limited Versus Paramsukh Nirman Pvt. Ltd.**³, it has been held as follows:

“xxx xxx xxx

10. However, under Chapter VII, Rule 3 of the Delhi High Court (Original Side) Rules, once a written statement is filed, the same

³2019 SCC OnLine Del 9633



would not be brought on record without the affidavit of admission/denial. It would be one of the defects in the written statement if it is not accompanied with the affidavit of admission/denial. For re-filing and removing defects, there is a total 30 days' period which is available to parties. Chapter I Rule 14 cannot be used to dispense with the mandatory requirements under the Rules, but only in respect of those rules where it is only a question of practice and procedure. **The time of seven days from re-filing within the total period of 30 days would have to be considered as a matter of practice and procedure in the present case inasmuch as there is a fundamental difference between the 'filing of the written statement' along with the affidavit of admission/denial and 'bringing the same on record'. If the affidavit of admission/denial is not accompanying the written statement, however, upon the Registry pointing out the said defect, the same can be cured within 30 days. If the said defect is cured, it cannot be held that the written statement and the affidavit of admission/denial cannot be brought on record.**

11. **While the timelines for filing the written statement within 120 days, are absolutely mandatory, removal of defects has to be seen in the overall period of 30 days which is permitted under Rule 3 of Chapter IV.** In the present case, the first filing was on 15th January, 2019, the second filing was on 25th January, 2019 and the final filing was on 15th February, 2019. The time of 120 days expired only on 22nd January 2019, thus the written statement was filed within the 120 days period. **The defects, which were pointed out by the Registry i.e. not filing of admission/denial affidavit was cured within the broad frame work of Chapter IV, Rule 3 i.e. within 30 days of the initial filing of the written statement.**

xxx xxx xxx

14. **Under these overall circumstances, this Court holds that the written statement along with the affidavit of admission/denial would be liable to be taken on record as filing, re-filing, etc. are procedural matters which the High Court Registry follows. Broadly if the timelines are adhered to, the Court would not strike out the defence of a party,** especially in a suit where recovery of such a huge amount is being sought. Recently in **Robin Thapa v. Rohit Dora [Civil Appeal No. 4507/2019 decided on 8th July, 2019]** it has been held by the **Supreme Court that the endeavour of the Court has to be decide disputes on merits** and not on the defaults of the parties. The relevant paragraph reads as under:

“8. Ordinarily, a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or of the defendant. The cause of justice does require that as far as possible,



2025-DHC:283



adjudication be done on merits.”

xxx xxx xxx”

(Emphasis Supplied)

21. Considering the aforesaid discussion, it is apparent that if a replication or a written statement is filed within the prescribed outer limit, non-filing of an application seeking condonation of delay, is merely a procedural defect, which can be cleared within a time not exceeding 7 days at a time and 30 days in aggregate. In the present case, the replications were filed within the permissible outer time limit, while the application for condonation of delay was filed within 7 days of being notified about the defect of delay. Thus, the plaintiffs cured the defects in compliance of the provisions of Chapter IV Rule 3 of Delhi High Court (Original Side) Rules, 2018. Non-filing of applications seeking condonation of delay in filing replications, being a procedural defect, can be cured. Therefore, the plea of striking off the replications filed by the plaintiffs, as raised by the defendants, cannot be sustained.

22. As long as the replication has been filed within the outer permissible limit of 45 days, and the subsequent defects that are notified by the Registry, are cured within the aggregate time period of 30 days, the same would be allowed to be taken on record.

23. Thus, the applications of the plaintiffs seeking condonation of delay in filing replications are in order, and the said applications are entitled to be considered by this Court.

24. Even if the contentions of the defendants that the filing of the replications made on 15th March, 2024, were *non-est* as they were not accompanied by attested and notarized affidavits, are to be accepted, even



2025:DHC:283



then, the replications were undisputedly filed after removing the defects on 19th March, 2024. The said filing is also within the outer limit of 45 days, with delay of four days.

25. The judgments relied upon by defendant nos. 1 and 2 are clearly distinguishable and not applicable to the facts and circumstances of the present case.

25.1 The case of *Ram Sarup Lugnai and Another Versus Nirmal Lugani and Others*⁴, is clearly distinguishable and not applicable to the facts and circumstances of the present matter. In the said case, replication had not been filed within the outer limit of 45 days. Hence, it was observed that court cannot permit the replication to be taken on record after the plaintiff has exhausted the maximum period of 45 days. However, in the present case, the replication has been filed within the outer limit of 45 days.

25.2 Likewise, the case of *Friends Motel Pvt. Ltd. Versus Shreeved Consultancy LLP and Others*⁵, dealt with the facts, wherein, written statement was filed on the 117th day of the receipt of summons in the suit. The application seeking condonation of delay was filed more than a month later on 28th of August, 2019. Thereafter, objections were raised to the said application on the very next day of filing, i.e., 29th August, 2019. However, the defendant's counsel neither took the application back from the Registry, nor removed the objections for more than four and a half months. Therefore, the court noted that the issue in the said case was whether the mandate of the law that the written statement has to be filed within 120 days as an outer limit, can be frustrated by delaying filing of the application for condonation

⁴2020 SCC OnLine Del 1353

⁵2020 SCC OnLine Del 2072



2025:DHC:283



of delay in filing the written statement and not pursuing the same. Thus, the court held that the said conduct could not be allowed and did not take the written statement on record.

The above cited case is not applicable to the present matter and is distinguishable. In the present case, the plaintiffs have not shown any intention of frustrating the mandate of law that replication has to be filed within 45 days as an outer limit. As soon as the defect of the replications having been filed after due time was notified to the plaintiff's counsel, the said defect was cured within the time permissible under Chapter IV, Rule 3 of the Delhi High Court (Original Side) Rules, 2018, by filing applications seeking condonation of delay.

25.3 The next case relied upon by the defendants is *Oil and Natural Gas Corporation Limited Versus Planetcast Technologies Ltd.*⁶. In the said case, the controversy involved was delay in filing/re-filing the petition under Section 34 of the Arbitration and Conciliation Act, 1996 ("Arbitration Act"). The petition under Section 34 of the Arbitration Act was filed for the first time after 86 days from the date when the final amended award was received by the appellant. No arbitral award was filed along with the petition and thus, the initial filing itself, was considered to be *non-est*. The petition was re-filed, where all objections notified previously were not removed. Therefore, the said re-filing was again defective. Thereafter, the petition was re-filed for a second time. By the time of the second re-filing, the statutory period under Section 34 of Arbitration Act, had already expired. The third re-filing was done, which was also beyond the outer timeframe of the statutory period. Thus, for these reasons, the court arrived at the conclusion



2025:DHC:283



that the initial petition lacked all the requisites of being a valid petition, which was considered to be *non-est*. It was only at the time of second re-filing that a proper petition, conforming to all mandatory requirements, was filed for the first time, which was beyond the prescribed period, in terms of Section 34 of the Arbitration Act.

The aforesaid case is not applicable to the present matter and is distinguishable. The plaintiffs in the instant matter had filed the final versions of the replications, along with the affidavits of admission-denial and statements of truth, on 19th March, 2024, well before the expiry of the outer time limit of 45 days on 29th March, 2024, for filing the replications. Further, the defects were cleared on the same day when they were notified on 19th March, 2024. It is a matter of record that the defect of filing the replications after due time was notified for the first time by the Registry on 27th March, 2024. The said procedural defect was cleared by the plaintiffs within the time limit prescribed under Chapter IV Rule 3 of the Delhi High Court (Original Side) Rules, 2018.

25.4 The defendants have also placed reliance on the judgment in *Atlantech Online Services Pvt. Ltd. & Anr. Versus Google India Pvt. Ltd. & Anr.*⁷, which is not applicable in the present case, as in the above-cited case, the plaintiffs sought condonation of delay of 90 days in filing and 97 days in re-filing the replication. Thus, in the above-cited case the replication itself was belatedly filed beyond the outer time period of 45 days, whereas, in the present case, the replication was admittedly filed within the outer time limit of 45 days.

⁶ 2023 SCC OnLine Del 8490

⁷ 2023 SCC OnLine Del 5476



2025:DHC:283



25.5 The defendants have further relied upon the judgment in the case of *Vidhi Electrical and Engineering Company Versus C and S Electric Limited and Another*⁸. In the said case, the written statement was filed on 25th February, 2020 and an application seeking condonation of delay in filing the same had not been filed, till the date on which judgment was passed in the said case on 04th May, 2022. Therefore, as the written statement had been lying under objections for more than two years, the court dismissed the appeal filed by the defendant and did not take the same on record. However, the said case is clearly distinguishable and not applicable to the facts and circumstances of the present case. In the present case, the defect of filing the replications after due time, was cured by filing the applications seeking condonation of delay within 7 days from the date, when the said defect was notified to the plaintiffs' counsel.

26. Accordingly, in view of the detailed discussion hereinabove, it is manifest that the final versions of the replications were filed by the plaintiffs on 19th March, 2024, well within the prescribed outer limit of 45 days for filing the replication. The applications for condonation of delay in filing the replications, were filed within the prescribed 7 days of the 30 days aggregate time period, for curing such defects from the date when such defect was notified to the plaintiffs' counsel by the Registry of the Delhi High Court, as available, under Chapter IV Rule 3 of the Delhi High Court (Original Side) Rules, 2018.

27. Considering the submissions made before this Court and the facts and circumstances of the present case, the delay in filing the replications by the plaintiffs, are condoned. Accordingly, *I.A. 7655/2024* and *I.A. 7656/2024*,

⁸2022 SCC OnLine Del 1429



2025:DHC:283



filed by the plaintiffs seeking condonation of delay in filing replications, are hereby allowed. The applications, being *I.A. 32131/2024* and *I.A. 32934/2024*, filed by the defendants seeking striking off the replications, are hereby dismissed.

28. The applications, *I.A. 7655/2024*, *I.A. 7656/2024*, *I.A. 32131/2024* and *I.A. 32934/2024*, are disposed of in the aforesaid terms.

**(MINI PUSHKARNA)
JUDGE**

JANUARY 20, 2025
ak/au