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

% *Date of Decision: 11.09.2025*

+ **CM(M) 1787/2025, CM APPL. 57639/2025 & 57640/2025**

DINESH KUMAR VERMA

.....Petitioner

Through: Mr. Yashaswi SK Chocksey,
Advocate

versus

RAMESH GHAI

.....Respondent

Through: Respondent in person

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner has assailed order dated 23.07.2025 of the learned trial court, whereby application of petitioner to file replication was dismissed mainly on the ground that testimony of PW1 had already commenced by then. Besides, the petitioner was also granted one single opportunity to lead evidence subject to payment of cost of Rs.10,000/- to the respondent.

2. As reflected from the impugned order, on 23.07.2025 when the impugned order was passed, none appeared for the petitioner despite repeated calls. That too, when in an earlier petition filed by the petitioner himself, a coordinate bench of this Court had directed time-bound disposal of the trial.

3. It is submitted by learned counsel for petitioner that till date, cost dated 23.07.2025 has not been paid and the matter was listed before the trial



court today itself but was adjourned because this petition has been filed. The provision under Section 35B CPC and the consequence thereof are brought to the notice of learned counsel for petitioner. It is also noticed that even in time-bound matter, without there being any stay on the trial court proceedings, the learned trial court adjourned the matter to some date in December 2025.

4. At this stage, learned counsel for petitioner submits that he has paid the cost dated 23.07.2025 through UPI.

5. Respondent appearing in person accepts notice.

6. Learned counsel for petitioner contends that the impugned order is not sustainable because the learned trial court, having permitted filing of the replication ought not to have closed the right. It is further submitted by learned counsel for petitioner that on 23.07.2025, he was connected through videoconferencing but due to connectivity issues, he could not be heard and later he sent his associate to the trial court.

7. As reflected from the impugned order, despite last opportunity none appeared on behalf of petitioner to address arguments on pending two applications, one of which was for recall of order dated 27.09.2024, closing right to lead evidence and the other application was for permission to place on record the replication. The learned trial court, keeping in mind that there were directions of this Court for time bound disposal of the suit disposed of



both applications, denying the opportunity to file replication and granting one single opportunity to lead evidence subject to payment of cost.

8. So far as opportunity to lead evidence, grievance of the petitioner having been settled, there is no challenge to that part of the impugned order.

9. So far as denial of taking on record the replication is concerned, learned trial court recorded in the impugned order that even the application for permission to file replication was filed subsequent to tendering of evidence of PW1 and the clock could not be turned back. There is no error in the view taken by the learned trial court that the clock cannot be set back and once the trial has commenced, there is no scope of accepting replication, which in any case ought to have been filed prior to framing of issues. I am unable to agree with the contention of learned counsel for petitioner that a plaintiff has a right to file replication. It is trite that the Civil Procedure Code does not contemplate filing of the replication, though it is judicially sanctified that once the replication is taken on record, it forms part of pleadings. There is no right vested in the plaintiff to file replication.

10. I am unable to find any infirmity in the impugned order, so the same is upheld and the petition and the pending applications are dismissed.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 11, 2025/as