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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 787/2023

NATCO PHARMA LIMITED

..... Plaintiff

Through: Mr. Afzal B.Khan, Advocate

versus

FMC AGRO SINGAPORE PTE. LTD. & ORS.

..... Defendant

Through: Dr. Sanjay Kumar, Ms. Arpita
Sawhney, Ms. Meenal Khurana
(VC), Ms. Pallavi Kiran,
Mr. Arun Kumar Jana,
Mr. Priyansh Sharma, Advocates

CORAM:

**JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)**

ORDER

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27.03.2024

**I.A. No. 4293/2024 on behalf of the plaintiffs for condonation
of delay of 5 days in filing the replication.**

Submissions have been heard.

Ld. Counsel for the defendants submits that period to file replication has to be worked out from the date of serving of the copy of the written statement on the plaintiff, as laid out in Chapter VII Rule 5 of the Delhi High Court Rules, Original Side. Ld. Counsel further submits that since copy of the written statement was served on 18.12.2023 but the replication has been filed on 16.02.2024, the same has been filed much beyond the maximum permissible period of 45 days. Ld. Counsel has placed reliance on the judgment of the Hon'ble Division Bench of High Court of Delhi titled as *Ram Swarup Lugani & Anr. Vs. Nirmal Lugani and Ors.*, 2021 AIR CC 917.



In response, Id. Counsel for the plaintiff submits that period to file replication has to commence from the date when the written statement is taken on record. In this regard, Id. counsel has placed reliance on a judgment delivered by the Hon'ble Delhi High Court in CS(COMM) 32/2022 on 07.02.2023. Ld. Counsel has highlighted that judgment relied upon by Id. Counsel for the defendant has been considered in the judgement delivered in CS(COMM) 32/2022 and it has been held that the period to file replication shall commence from the date when the written statement is taken on the record. Consequently, since the written statement in the present suit was taken on record on 12.01.2023, there is a minor delay of 04 days in filing the replication which deserves to be condoned subject however to a cost of Rs.500/-, to be deposited with Delhi High Court Bar Clerks Association.

The IA is therefore allowed. Replication is taken on record, subject to payment of cost within a week failing which replication will be deemed to have been taken off the record.

CS(COMM)- 787/2023

Matter is already listed before the Hon'ble Court for 03.04.2024.

Put up before the Hon'ble Court on the date already fixed i.e. 03.04.2024, for further directions.

**Dr. AJAY GULATI (DHJS),
JOINT REGISTRAR (JUDICIAL)**

MARCH 27, 2024/sk

Click here to check corrigendum, if any