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

**CS(OS) 254/2021**

**NAINA SURAT RAWAT**

.....Plaintiff

Through: Mr. Viral Vaibhav, Adv.

versus

**MUKUL GOYAL**

.....Defendant

Through: Ms. Swati Bhushan, Adv. (joined  
through VC)

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA  
MAHENDRA, (DHJS)**

**ORDER**

% **09.07.2024**

**CS(OS) 254/2021**

1. As per record, Written Statement and Affidavit of Admission/Denial of documents already filed on behalf of defendant.

2. As per record, Replication, Affidavit of admission/denial of documents and documents filed by the plaintiff are on record but an application seeking condonation of delay in filing Replication filed vide diary no. 1647747 dated 11.09.2023 is still lying under objections.

3. At this stage, it is pointed out by learned counsel for the defendant that she has not received copy of said condonation of delay application. She further submits that the said condonation of delay application even otherwise is *per se* not maintainable as Written Statement has been filed by the defendant on 25.06.2021 and the Replication was filed by the plaintiff only on 13.01.2023. She relies on the judgment in ***“Ram Swarup Lugani & Anr. Vs. Nirmal Lugani & Ors.”***, 2020 SCC OnLine Del 1353, to contend that the Replication filed by the plaintiff to the Written Statements of defendant may be taken off the record as it is



filed much beyond stipulated period as prescribed under Chapter VII Rule 5 CPC of Delhi High Court (Original Side) Rules.

4. I have carefully considered the submission made by learned counsels for the parties. Chapter VII Rule 5 of Delhi High Court (Original Side) Rules categorically provides that the Replication is to be filed within 30 days of receipt of Written Statement, which is further extendable by a period not exceeding 15 days. In the judgement of “**Ram Swarup Lugani (supra)**, the Hon'ble High Court of Delhi clearly held that the aforesaid time period is sacrosanct and cannot be extended by the court. The plaintiff has failed to file Replication and Affidavit of Admission/Denial of the documents within the time permissible by law. Despite repeated opportunities, the plaintiff has not even brought on record the application for condonation of delay in filing Replication. Even otherwise, in view of clear ratio of **Ram Swarup Lugani (supra)**, the inordinate delay in filing Replication cannot be condoned. So, the Replication alongwith Affidavit of Admission/Denial of the documents filed by the plaintiff is taken off the record. No permission is sought by the plaintiff to file documents. So, the same are also not taken on record.

5. The plaintiff is directed to share draft of Joint Schedule of the documents with learned counsel for the defendant within fifteen working days. Learned counsel for defendant is directed to provide her inputs, if any, to the draft of Joint Schedule of the documents to learned counsel for the plaintiff within one week thereafter. The



plaintiff is directed to file soft copy as well as physical copy of Joint Schedule of the documents within one week thereafter with copy to the opposite side.

6. The parties have not filed physical copy of the documents of which e-copy already filed on record. So, the last and final opportunity is granted to the parties to file physical copy of the documents of which e-copy already filed on record before the next date of hearing.

Re-notify the matter for marking of exhibits to the documents on 23.09.2024.

**PRIYA MAHENDRA (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**

**JULY 9, 2024/ab**

*Click here to check corrigendum, if any*