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

+ **FAO(OS) 178/2018**

VIRENDER KUMAR JAIN Appellant
Through: Mr. Kirti Uppal, Sr. Adv. with
Ms. Aanchal Aggarwal, Adv.

versus

RAVINDER KUMAR JAIN & ORS. Respondents
Through: None.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
30.11.2018

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CM APPL. 50019/2018 (*exemption*)

Allowed, subject to just exceptions.

FAO(OS) 178/2018

1. Challenging an interlocutory order passed by the learned Single Judge in Test Case No. 82/2010 on 16.10.2018, permitting filing of reply to the objections of respondent No.5, appellant who is the petitioner in Test Case has filed this appeal under Order 43 Rule 1 CPC read with Section 10 of the Delhi High Court Act, 1966.
2. Respondent – Ravinder Kumar Jain challenged in a Chamber Appeal before the learned Single Judge an order passed by the Joint Registrar on 13.04.2012 closing his right to file reply to the objections of respondent No.5 (the appellant herein) primarily on the ground that in spite of repeated opportunities granted, reply to the objections has not been filed. On a

Chamber appeal being filed, the learned Single Judge found that the reply is now being filed. It was directed to be taken on record, subject to payment of cost of ₹5,000/-. Even though learned counsel appearing for the appellant argued vehemently that in allowing to file reply after inordinate period of delay, the learned Single Judge has committed grave error and illegality, we are of the considered view that in exercising the discretion in permitting reply to the objection to be filed and taken on record, subject to payment of cost, the learned Single Judge has exercised its discretion in granting an opportunity to file reply to the objection by the respondent and in exercise of the said discretion it cannot be said that an error or illegality so grave in nature has been committed which warrants interference by this Court in this appeal.

3. The appeal being devoid of substance is therefore dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 30, 2018

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