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

*Date of decision: 22.08.2023*

+ CM(M) 1349/2023 & CM APPLs. 43079-81/2023

ANKUSH RISHI

..... Petitioner

Through: Mr. Anshuman and Mr. Sumit Arora,  
Advocates.

versus

SARVESH KUMAR AND ANR.

..... Respondent

Through: None.

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**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

### **J U D G M E N T**

**MANMEET PRITAM SINGH ARORA, J (ORAL):**

**CM APPL. 43080/2023 (for exemption)**

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

**CM(M) 1349/2023 & CM APPLs. 43079/2023, 43081/2023**

1. This petition filed under Article 227 of the Constitution of India, impugns the order dated 26.07.2023 passed by District Judge-02, Dwarka Courts, Delhi ('Trial Court') in suit bearing no. CS DJ ADJ 551/2022, titled as *Ankush Rishi v. Sarvesh Kumar & Anr.*, whereby the application of the Respondents for condonation of delay of 125 days in filing written statement was allowed.

2. The learned counsel for the Petitioner states that no reasonable grounds were pleaded by the Respondent in the application seeking condonation of delay. He states that the Respondent had been pursuing the counter suit filed by him against the Petitioner herein. However, the Respondent deliberately delayed filing the written statement in the present suit to the prejudice the



rights of the Petitioner.

2.1 He states that the Trial Court should at least have imposed costs on the Respondent for the deliberate delay caused by the Respondent in filing of the written statement.

2.2 He states that the Petitioner herein is further aggrieved of the fact that the Trial Court has granted only one (1) week to the Petitioner to file his replication. He states that the said truncated period of one (1) week prejudices the plaintiff.

2.3 He states he is not pressing any other relief. The said statement is taken on record.

3. After some arguments, learned counsel for the Petitioner states that with a view to expedite the trial, he seeks a limited relief in this matter which is extension of time by four (4) weeks from today to file his replication as well as his affidavit of admission/denial of documents.

4. This Court has considered the submissions of the counsel for the Petitioner and perused the record.

5. In view of the limited prayer made by the Petitioner, this Court is of the opinion that the said extension of time for filing replication should be granted to the Petitioner.

6. Accordingly, it is directed that the Petitioner shall file his replication along with the affidavit of admission/denial of documents within a period of four (4) weeks from today.

7. With the aforesaid directions, the present petition is disposed of.

8. The pending applications are disposed of.

**AUGUST 22, 2023/msh/sk**

**MANMEET PRITAM SINGH ARORA, J**  
*Click here to check corrigendum, if any*