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

+ **FAO(OS) 28/2023 and CM APPL. 21281/2023**

IKHLAS AHMED CHAWLA

..... Appellant

Through: Mr. Munawwar Naseem and Mr.
Febin Mathew Varghese, Advocates.

versus

ABDUL RASHEED & ORS.

..... Respondents

Through: Mr. Rambhakt Agrawal, Advocate for
R-1,2,4,5,6,8 to 18, 23 to 25.
Mr. Udit Chauhan, Mr. Aditya P.
Arora, Ms. Muskan Arora and Ms.
Yashmita Pandey, Advocates for R-
3,19, 20 to 22.
Mr. Shahrukh Ejaz and Ms. Farheen
Penwale, Advocates for R-7.

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Date of Decision: 02nd February, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the impugned order dated 23rd January, 2023 passed in CS (OS) 253/2022, whereby the learned Single Judge dismissed the applications bearing I.A. No. 21690/2022, I.A. No. 21691/2022, I.A. No. 21692/2022, I.A. No. 21693/2022 and I.A. No. 21694/2022 filed by the Appellant seeking condonation of delay caused in the filing of replication(s).



2. The Appellant is the plaintiff and Respondents are the defendants in the suit. Learned counsel for the Appellant states that the written statement(s) of Respondent Nos. 1 to 25 were filed belatedly and five separate applications seeking condonation of delay in filing written statement(s) were pending consideration before the Joint Registrar. He states that the Appellant filed his replication(s) by way of abundant caution and since, the same were filed belatedly, he filed five (5) separate applications seeking condonation of delay. He states that by the impugned order, four (4) of the applications filed by the Appellant herein have been dismissed. He states that the adjudication of the said applications should have been awaited till the outcome of final decision in the applications filed by Respondent Nos. 1 to 25 for condonation of delay in filing their written statement(s).

3. Learned counsels for Respondent Nos. 1 to 25 have entered appearance and states that they have no objection to the delay in filing the replication being condoned. They, however, pray that similarly; their applications for condonation of delay in filing the written statement(s) be allowed. It is submitted that the parties are related to each other being family members and therefore, it is in the interest of justice, that the pleadings are brought on record to settle the dispute pertaining to suit properties and businesses.

4. In response, learned counsel for the Appellant states that he has no objection to the submissions of the Respondents and the applications of the Respondents seeking condonation of delay to bring on record the written statement(s) may be allowed. He states that the same will also facilitate the disposal of the suit proceedings.

5. This Court has considered the submissions of the parties. We are of



the considered opinion that there is merit in the submissions of the learned counsel for the Appellant that the decision in his applications seeking condonation of delay in filing replication(s) should have been awaited till the final outcome of the applications filed by the Respondents. Accordingly, in view of the consent of the parties , the impugned order dated 23rd January, 2023 is set aside. IA Nos. 19452/2022, 18468/2022, 18466/2022, 18464/2022 and 18459/2022 are allowed, the delay is condoned and the written statements of the concerned Respondents are directed to be taken on record. Similarly, IA No. 21690/2022, IA No. 21691/2022, IA No. 21692/2022, IA No. 21693/2022 and IA No. 21694/2022 are allowed, the delay is condoned and the concerned replications are directed to be taken on record.

6. The parties are further directed to file their respective affidavits of admission/denial of documents, if not already filed, within two (2) weeks.

7. With the aforesaid directions, the appeal stands allowed and the pending application i.e., CM APPL. 21281/2023 stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 2, 2024/rhc

Click here to check corrigendum, if any