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

% ***Date of decision: 25th July, 2024***

+ **CM(M) 3006/2024**

M/S NATMA SECURITIES PVT LTDPetitioner

Through: Mr. Naman Singhal with Mr. Pulkit Jolly, Mr. Govind Kumar Pathak, Ms. Astha Modi, Mr. Abhishek Jhakar and Mr. Sharanjit Kaur Shergil, Advocates.

versus

M/S VRC CONSTRUCTIONS INDIA PVT. LTD. & ORS.

.....Respondents

Through: Mr. Manish Shersia with Mr. Ravinder Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

CM APPL.41628/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM(M) 3006/2024

1. Petitioner, who happens to be the plaintiff before the learned Trial Court, has challenged two orders i.e. order dated 01.02.2024 and order dated 02.05.2024.
2. Mr. Manish Shersia, learned counsel for the respondents appears on advance notice through video conferencing. He is representing the defendants (respondents herein) before the learned



Trial Court.

3. After hearing arguments for some time, learned counsel for the petitioner states that he does not press the present petition with respect to order dated 01.02.2024.
4. The petition to that extent stands disposed of as not pressed.
5. Coming to the other impugned order dated 02.05.2024, it is noticed that the learned Trial Court, observing that despite opportunity, the plaintiff had failed to file replication, did not give any further opportunity to the plaintiff and his right to file replication was accordingly closed.
6. During course of the arguments, learned counsel for the petitioner/plaintiff states that there was never any intention or objective to delay the matter, particularly, when the case had been filed by the petitioner himself. Learned counsel for the petitioner also states that though the replication was ready that day itself but it was in the file of the other counsel, who was required to appear before the Hon'ble NCLT.
7. During course of the consideration, learned counsel for the petitioner also submitted that he is even ready to bear cost in this regard.
8. Learned counsel for the respondent states that he would have no objection if replication is permitted to be filed on record, subject to imposition of cost.



9. Keeping in view the overall facts and circumstances of the case and the fact that there is no deliberate attempt to prolong the matter, the petition is allowed. It is directed that the petitioner/plaintiff would be permitted to place on record replication by tomorrow i.e. 26.07.2024. Simultaneously, the petitioner is burdened with cost of Rs.5,000/- to be paid to the opposite side on the next date of hearing.

10. In view of the aforesaid, the petition stands disposed of.

(MANOJ JAIN)
JUDGE

JULY 25, 2024
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