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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M)-IPD 34/2025 & CM 205-207/2025**
DETAILING DEVILS PVT LTDPetitioner
Through: **Mr. Asav Rajan, Adv.**

versus

NITIN JAITLEYRespondent
Through: **None**

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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19.08.2025

1. This petition under Article 227 of the Constitution of India, has been filed impugning the order dated 22.04.2025 passed by the learned District Judge, Rohini Courts, Delhi ['Trial Court'] in CS(COMM) 6635/2024 titled **Detailing Devils India Private Limited v. Nitin Jaitly** ['Commercial Suit'] closing the right of the Petitioner [i.e., the plaintiff in the said Commercial Suit] to file its replication in the said Commercial Suit.
2. Learned counsel for the Petitioner states that there was a marginal delay in filing the physical copy of the replication on 22.04.2025 and therefore, the impugned order dated 22.04.2025 ought to be set aside.
 - 2.1. He states that though this petition was filed with the registry of the Court on 05.05.2025; however, thereafter, it has remained pending in the registry. He states that due to the change of the counsel, the filing could not be pursued and therefore, the petition could not be listed earlier.
 - 2.2. He states that in the meantime, the next stage in the Commercial Suit is scheduled for listing before the Local Commissioner, for recording of



evidence.

2.3. He states that the Petitioner (i.e., the plaintiff) has already filed its evidence affidavits in compliance with the Trial Court's order dated 22.04.2025.

2.4. He fairly admits that taking the replication on record at this stage would entail re-filing of the evidence affidavits to include the averments sought to be raised by way of this replication.

3. This Court has considered the submissions of the Petitioner/plaintiff.

4. The right to file replication was granted by the Trial Court to the plaintiff vide order dated 03.12.2024.

5. It is stated in the petition that the replication was e-filed on 28.01.2025; however, the learned counsel for the Petitioner fairly admits that he is not aware if the replication was served on the defendant.

6. The replication was to be filed on or before 05.02.2025. However, on 06.02.2025, when the matter was listed before the Trial Court there was no appearance on behalf of the Petitioner. The submission of the Petitioner that the Petitioner's counsel was unaware that the matters listed on 05.02.2025 will be taken up on 06.02.2025 due a local holiday being declared, fails to persuade this Court. The non-filing of the replication before the Trial Court on 06.02.2025 and the non-appearance on behalf of the Petitioner shows negligence.

7. It is stated that when the matter was next listed before the Trial Court on 22.04.2025, the Petitioner missed filing the replication by few minutes leading to the Trial Court passing the impugned order closing the right to file replication. There is nothing on record to substantiate the aforesaid averment.



8. Assuming the replication was prepared on 28.01.2025, the Petitioner has failed to explain its inaction in filing the replication before the Trial Court between 28.01.2025 to 22.04.2025. The Petitioner was granted sufficient time to file its replication. In these facts, the impugned order of the Trial Court closing the right to file replication is in consonance of the object of the Commercial Courts Act, 2015 i.e., speedy trial.

9. Pertinently, delay and inaction of the Petitioner in having this petition listed before this Court after four (4) months in August 2025 shows complete lack of diligence. As noted above, the Petitioner has already filed its evidence affidavits and the matter is ripe for trial before the Local Commissioner. These facts show that the Petitioner had in fact proceeded with the evidence stage and now pursuing this petition is an afterthought.

10. In view of the aforesaid, this Court finds no ground for interfering in the order dated 22.04.2025 passed by the Trial Court, especially since the matter is now listed before the Local Commissioner for recording of evidence and allowing the relief sought by the Petitioner/plaintiff at this stage will set back the trial.

11. In view of the aforesaid, this petition is held to be bereft of merits and is dismissed.

12. Pending applications, if any, stand disposed of.

MANMEET PRITAM SINGH ARORA, J

AUGUST 19, 2025/msh/MG