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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 369/2020 and I.A. 35779/2024**

Date of Decision: **04.03.2025**

IN THE MATTER OF:

MAHIPAL SINGH & ORS.

.....Plaintiffs

Through: Ms. Shobhana Takiar, Mr. Kuljeet Singh, Mr. Shivam Takiar and Mr. Prateek Dhir, Advocates.

Versus

ASHOK KUMAR KAUSHIK & ANR.

.....Defendants

Through: Mr. Praveen Kumar, Mr. Ajit Kumar, Mr. Harsh Priya and Mr. Kumar Shubham, Advocates.

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

I.A. 49640/2024 (by plaintiff – to condone delay of 99 days in filing O.A. 228/2024)

1. Upon perusal of the reasons stated in the application, the Court is of the opinion that the delay of 99 days in filing the of O.A. 228/2024 can be condoned.
2. In view of the aforesaid, the instant application stands disposed of.



O.A. 228/2024 (Chamber Appeal under Rule 5 Chapter II of the Delhi High Court (Original Side) Rules, 2018)

3. The instant chamber appeal has arisen from the orders dated 03.07.2024 and 27.08.2024 passed by the learned Joint Registrar.

4. The order dated 03.07.2024 essentially closes the right of the plaintiff to file the replication. The Registrar noted that although the plaintiff had filed the replication on 11.02.2021, however, it remained under objection and was never re-filed. Consequently, the right to file the replication was directed to be closed.

5. In the subsequent order dated 27.08.2024, the Joint Registrar passed a direction dispensing with the requirement for the defendant's admission/denial of documents, given that the plaintiff's right to file the replication had already been closed. Consequently, the Joint Registrar noted that the documents filed by the defendant along with the written statement are deemed to be admitted by the plaintiff as per the provisions of the Delhi High Court (Original Side) Rules, 2018 (hereinafter referred to as the "High Court Rules, 2018").

6. Ms. Shobhana Takiar, learned counsel appearing on behalf of the plaintiff places reliance on Rule 5 of Chapter VII of High Court Rules, 2018, and contends that such an order should not have been passed by the learned Joint Registrar, as any direction to close the right to file a replication will have to be passed by the Court.

7. Besides other submissions, she submits that the right to file the replication should be computed from 25.01.2021, i.e., the date on which the



defendant's documents were filed.

8. *Per contra*, Mr. Praveen Kumar, learned counsel appearing on behalf of the defendants contends that Rule 5 must be read in conjunction with Rule 4 of the High Court Rules, 2018. He argues that a combined reading of Rules 4 and 5 suggests that the Joint Registrar is empowered to not only close the right to file the written statement but also the right to file replication. He, therefore, contends that any other interpretation would lead to absurdity and the same would run against the scheme of the Rules under Chapter VII of the High Court Rules, 2018.

9. I have considered the submissions made by learned counsels appearing on behalf of the parties and also perused the record.

10. Chapter VII of High Court Rules, 2018 governs the appearance of the defendant, filing of the written statement, set off, and counter-claim/replication. Rule 2 of Chapter VII of High Court Rules, 2018 stipulates the procedure when a defendant appears. Furthermore, Rule 3 outlines the requirement for an affidavit of admission/denial of documents to be filed along with the written statement. As per Rule 3 of Chapter VII of the High Court Rules, 2018, the defendant must submit an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record. Additionally, the defendant is entitled to file applications for interrogatories to examine the plaintiff, along with proposed interrogatories, as well as applications for discovery and inspection of relevant documents.

11. Rule 4 of High Court Rules, 2018, however, provides for an extension



of time for filing the written statement. A fair reading of Rule 4 suggests that if the Court is satisfied that the defendant was prevented by sufficient cause for exceptional and unavoidable reasons from filing the written statement within 30 days, it may extend the time by a further period not exceeding 90 days. The written statement shall not be taken on record unless any cost imposed for such delay has been paid/deposited. In case the defendant fails to file the affidavit of admission/ denial of documents filed by the plaintiff, the documents filed by the plaintiff shall be deemed to be admitted. In case, no written statement is filed within the extended period, the learned Joint Registrar may pass orders for closing the right to file the written statement.

12. It is, thus, clear that if a written statement is not filed within the extended period under Rule 4 of Chapter VII of the High Court Rules, 2018, the “Registrar” is fully empowered to close the right to file the written statement. However, juxtaposing Rule 4 with Rule 5, it becomes apparent that the phrase ‘the Registrar may pass the order for closing the right’ is conspicuously missing from Rule 5. Under Rule 5, a replication, if any, must be filed within 30 days of receiving the written statement. It is the “Court”, not the “Registrar”, that must be satisfied that the plaintiff was prevented by sufficient cause due to exceptional and unavoidable reasons from filing the replication within this period. Only in such circumstances the “Court” may extend the time for filing of replication by a maximum of 15 days, but not beyond it.

13. Rule 5 of Chapter VII of High Court Rules, 2018 reads as under:-

***“CHAPTER VII
APPEARANCE BY DEFENDANT, WRITTEN STATEMENT, SET***



OFF AND COUNTER-CLAIM

5. Replication.-The replication, if any, shall be filed within 30 days of receipt of the written statement. If the Court is satisfied that the plaintiff was prevented by sufficient cause for exceptional and unavoidable reasons in filing the replication within 30 days, it may extend the time for filing the same by a further period not exceeding 15 days but not thereafter. For such extension, the plaintiff shall be burdened with costs, as deemed appropriate. The replication shall not be taken on record, unless such costs have been paid/ deposited. In case no replication is filed within the extended time also, the Registrar shall forthwith place the matter for appropriate orders before the Court. An advance copy of the replication together with legible copies of Page 24 of 71 all documents in possession and power of plaintiff, that it seeks to file along with the replication, shall be served on the defendant and the replication together with the said documents shall not be accepted unless it contains an endorsement of service signed by the defendant/ his Advocate.”

14. It is thus evident that the initial requirement for filing the replication is within 30 days, and any extension, not exceeding 15 days, can only be granted by the “Court” if it is satisfied that the plaintiff was prevented by sufficient cause due to exceptional and unavoidable reasons.

15. Furthermore, Rule 5 stipulates that for such an extension, the plaintiff shall bear the costs. The latter part of Rule 5 further indicates that if no replication is filed even within the extended period, the “Registrar” shall forthwith place the matter before the “Court” for appropriate orders. However, this provision does not vest the “Registrar” with the power to formally close the right to file the replication after the extended time has expired.

16. A comprehensive reading of Rule 5 of Chapter VII of the High Court Rules, 2018, does not suggest that the “Registrar” is empowered to formally



close the right to file a replication.

17. Further, the Division Bench of this Court in ***Ram Sarup Lugani v. Nirmal Lugani***¹, has observed as under:

“14. The term “The Court” and “Registrar” have been defined in Rule 4 that is a part of Chapter I of the Rules. On a reading of Rule 5 it is clear that the replication, if any, should be filed within a period of 30 days from the date of receipt of the written statement. The word “shall” used in the said Rule postulates that the replication must be filed within 30 days of the receipt of the written statement. The Registrar does not have the power to condone any delay beyond 30 days. The permission to condone the delay beyond the period of 30 days, lies with the court. If the court is satisfied that the plaintiff was prevented by sufficient cause or for exceptional and unavoidable reasons from filing the replication within 30 days, it may extend the time for filing the same by a further period not exceeding 15 days with a suffix appended to the Rule stating, “but not thereafter”. The phrase “but not thereafter” mentioned in the Rule indicates that the intention of the rule making authority was not to permit any replication to be entertained beyond a total period of 45 days. If any other interpretation is given to the said Rule, then the words “but not thereafter”, will become otiose.”

18. This position was reaffirmed in ***Doris Chung Gim Lian v. Shantanu Prakash***², wherein, this Court reiterated its binding precedent in ***Ram Sarup Lugani***. It was held that replication must be filed within 30 days of receiving the written statement, with an extension of up to 15 days only if justified. Beyond a total period of 45 days, no further extension is permissible, as allowing such a delay would contradict the express language and intent of the High Court Rules, 2018.

19. Moreover, it is a well-settled principle that the literal rule of interpretation implies that there should be no interpretation beyond the plain

¹ 2020 SCC OnLine Del 1353.

² 2025 SCC OnLine Del 779



meaning of the Statute. In other words, the Statute must be read as it is, without any distortion or modification of its language. The role of the Court is strictly to expound the law, not to legislate or introduce meanings that are not expressly stated. Therefore, when interpreting a provision, Courts must adhere to a plain and straightforward reading, ensuring that the legislative intent is upheld without judicial overreach.

20. The principle of literal interpretation has been consistently upheld by the Supreme Court in various judgments. In *Gurudevdatto VKSSS Maryadit v. State of Maharashtra*³, the Supreme Court held that words in a Statute should be given their plain grammatical meaning unless such an interpretation leads to absurdity or is contrary to the Statute's objective. It reiterated that when the language of a Statute is clear and unambiguous, Courts must adhere to its ordinary meaning and ensure that every word used by the legislature is given due effect. Similarly, in *Hiralal Rattanlal v. State of U.P.*⁴, the Supreme Court stated that the foremost rule of construction is the literal rule, and when a provision is unambiguous, Courts need not resort to other interpretative tools.

21. The Supreme Court further reinforced this principle in *Shiv Shakti Coop. Housing Society v. Swaraj Developers*⁵, holding that Courts cannot read anything into a statutory provision that is plain and unambiguous. A Statute is the will of the legislature, and its language is the primary determinant of legislative intent. Likewise, in *Union of India v. Hansoli*

³ (2001) 4 SCC 534

⁴ (1973) 1 SCC 216

⁵ (2003) 6 SCC 659



*Devi*⁶, the Supreme Court observed that when the wording of a Statute is clear, Courts must give effect to its plain meaning rather than adopt a hypothetical interpretation based on presumed legislative intent.

22. In *B. Premanand v. Mohan Koikal*⁷, the Supreme Court provided a broader philosophical justification for the literal rule, asserting that language should be understood in its direct and unambiguous sense to ensure effective communication. The Court illustrated that if words were arbitrarily reinterpreted, social and legal interactions would become chaotic. It also lamented the decline of the *Mimansa* rules of interpretation of traditional Indian legal principles that have guided jurists for centuries highlighting their relevance and the unfortunate neglect of indigenous legal wisdom in contemporary Courts. These judgments collectively reaffirm that the judiciary must interpret laws based on their plain wording, ensuring clarity, consistency, and adherence to legislative intent.

23. Therefore, under the facts of the present case, the Court finds that the order dated 03.07.2024 suffers from a jurisdictional error and accordingly stands set aside. Consequently, the order dated 27.08.2024 also stands set aside.

24. It is thus found that the Court will have to determine the implications of the written statement which was filed on 21.12.2020 without any supporting documents, and the subsequent filing of documents on 25.01.2021, and as to whether the time to file replication should start

⁶ 2002 (7) SCC

⁷ (2011) 4 SCC 266



running from 21.12.2020 or shall be reckoned from 25.01.2021

25. Learned counsel for the plaintiff contends that the replication was filed on 11.02.2021, i.e., within 30 days from the date on which the defendants filed their documents on 25.01.2021. On the other hand, learned counsel for the defendants argues that the filing of these documents is irrelevant to the timeline for filing the replication, as the 30-day period should be computed from the date of filing of the written statement, i.e., 21.12.2020.

26. Learned counsel for the parties are directed to make their detailed submissions on the aforesaid aspect on the next date of hearing.

27. Accordingly, the O.A. 228/2024 stands disposed of.

CS(OS) 369/2020

1. List on 07.08.2025.
2. Interim order to continue.

I.A. 35779/2024 (under Order VII Rule 11 of CPC)

1. Let reply to the aforesaid application be filed by the plaintiff within a period of four weeks from today.
2. List this application for consideration on 07.08.2025.

MARCH 4, 2025

Nc/ sph/@m

PURUSHAINdra KUMAR KAURAV, J

[Click here to check corrigendum, if any](#)