

CS 87/26

IMRAN KHAN Vs. SABANA BEGUM AND ORS

20.07.2026

Present: Ms. Sarita Bhati, Mr. Piyush Choudhary and Mr. Kapil Choudhay, Ld. Counsel for plaintiff.
D-1 and D-4 are ex-parte.
Ld. Counsel for D-2.
Ld. Counsel for D-3.
Mr. Kamal Garg, Ld. Counsel for D-5.

1. D-2 has filed its written statement alongwith two applications.
2. The first application (IA No. 3/26 is moved U/O VIII Rule 1 CPC) is seeking condonation of delay of 25 days in filing of written statement by D-2. The second application (IA No. 4/26 U/O IX Rule 13 CPC) is moved seeking setting aside of ex-parte order dated 21.05.2026.
3. With the consent of parties both the applications are taken up for hearing.
4. With the consent of parties, delay in filing of written statement of D-2 is condoned subject to cost of Rs. 5000/- to be paid to plaintiff.
5. IA No. 3/26 is disposed off.
6. IA No. 4/26 is filed under wrong provision of law as no ex-parte decree in the matter has been passed. The same is dismissed as withdrawn.
7. D-3/BSES has also filed its written statement alongwith two applications. The first application (IA No. 5/26) is U/O I Rule 10 CPC seeking deletion of its name from the memo of parties on the ground that BSES/D-3 is not a necessary party to the

suit. There are specific allegations in the plaint against BSES and thus, at this stage, it cannot be said that BSES/D-3 is not a necessary party. Thus, the application is misconceived. It is dismissed.

8. The second application of D-3 (U/O VII Rule 11 CPC) is dismissed as withdrawn at the request of Counsel for BSES.
9. Replication of D-3 filed. Copy supplied.
- 10.No written statement filed on behalf of D-5 despite opportunity. Time sought.
- 11.Considering the fact that statutory time to file written statement by D-5 has already lapsed, right of D-5 to file written statement is closed.
- 12.Parties to file their affidavits of admission/denial before next date of hearing with advance copy to the other side.
- 13.List for completion of pleadings on 22.09.2026.

Aashish Gupta
DJ-01/NE/KKD/DELHI
20.07.2026