

2 CS DJ ADJ237/201615475/16  
PAPPU Vs. RAMESHWAR ORS.

24.02.2025

*Both regular stenographers are on leave today.*

Present: Sh. Satender Kajla, Ld. counsel for plaintiff through VC.  
Plaintiff in person.  
Sh. Hardwari Lal, Ld. counsel for all LRs of deceased/Defendant no. 1 except LR 1(a) to which Sh. Hardwari Lal is appearing the capacity of LAC.  
LR 1(a) of deceased defendant in person.  
Defendant no. 2, 18 and 20 are stated to be expired.  
Defendant no. 3 to 17, 19, 21 to 26 are already proceeded exparte vide order dt. 13.03.2024.

Ld. LAC seeks adjournment and some more time to comply the order dt. 18.09.2024 as well as to file appropriate application to implead the LR of deceased defendant no. 7 (D)(ii), defendant no. 17, defendant no. 18 and defendant no. 20. However, neither Ld. LAC nor plaintiff able to assist this court about date of death of above defendants.

Since present matter falls in the category targeted oldest 20 matters of this court and various opportunities are already given to the plaintiff to diligently pursue present matter. This court is not inclined to grant any further adjournment. Hence, adjournment request declined.

Perusal of record reveals that, issues were framed by Hon'ble High Court of Delhi vide order dt. 03.07.2015 and matter is kept on pending for PE till date. Record further reveals that on 16.12.2022 PW-1 was discharged and plaintiff was directed to file evidence by way of affidavit for other witnesses but same was not filed till date despite multiple opportunities. Thus, considering facts and circumstances of the present case, **PE stands closed.**

Further, plaintiff has filed present suit for partition against 26 defendants out of which several defendants and the fact, LR(s) of deceased defendant are already expired but plaintiff failed to take appropriate steps to implead their LRs.

Considering the facts and circumstances of present case, plaintiff deserves no mercy for the irregularity and non diligence on his part but still in the interest of justice, one opportunity is given to plaintiff to provide proper status qua each defendants and to file appropriate application to implead LRs of deceased defendants as per procedure of law. It is clarified that in case plaintiff failed to comply direction in time bound manner, matter would be dismissed for non prosecution.

Now come up for further proceedings on 19.03.2025.

(SHILPI M JAIN)  
DJ-05 (SW)/Dwarka Courts  
New Delhi: 24.02.2025