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

CNR No. DLHC010025292025

+ **CS(OS) 50/2025, I.A. 2013/2025, I.A. 27481/2025, I.A. 32045/2025 & I.A. 2235/2026**

MR KHALEEL SYED REHMAN

.....Plaintiff

Through: Mr. Muhammad Ali Khan, Mr. Omar Hoda, Ms. Eesha Bakshi, Ms. Ayesha Khan, and Mr. Kamran Khan, Advocates.

versus

SYED HABEEB UR REHMAN PRIVATE TRUST AND ORS

.....Defendants

Through: Mr. Gauhar Mirza and Mr. Syamantak Sen, Advocates for D-1 to 3.
Mr. Surya Kiran, Mr. Arvind Jain and Mr. Abhinav Chakarvaty, Advocates for D-5.
Mr. Mohd Irshad Hanif, Advocate for D-8 and 9.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **07.08.2026**

I.A. 21290/2026 (Condonation of Delay)

1. This is an application under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") filed on behalf of the applicants/defendant nos.8 and 9 seeking condonation of delay of 105 days in re-filing I.A. 21289/2026 seeking transposition as plaintiffs.
2. Issue notice.
3. Notice is accepted by Mr. Muhammad Ali Khan, learned counsel for the non-applicant/plaintiff whereas Mr. Gauhar Mirza, learned counsel and Mr.



Surya Kiran, learned counsel accept notice on behalf of the non-applicant/defendant nos. 1 to 3 and 5 respectively.

4. For the reason stated therein, the application is allowed. The delay of 105 days in re-filing I.A. 21289/2026 seeking transposition of defendant nos.8 and 9 is condoned.

5. The application stands disposed of.

I.A. 21289/2026 (Order XXIII Rule 1-A r/w Order I Rule 10 of the CPC)

6. This is an application under Order XXIII Rule 1-A read with Order-I, Rule 10 of the CPC filed on behalf of defendant nos. 8 and 9 seeking the transposition as plaintiffs.

7. The defendant nos.8 and 9 claim to be siblings of late Mr. Syed Habeeb-ur-Rehman and are also siblings of the plaintiff/Mr. Khaleel Syed Rehman.

8. Issue notice.

9. Notice is accepted by Mr. Muhammad Ali Khan, learned counsel for the non-applicant/plaintiff whereas Mr. Gauhar Mirza, learned counsel and Mr. Surya Kiran, learned counsel accepts notice on behalf of the non-applicant/defendant nos. 1 to 3 and 5 respectively.

10. Learned counsel for the non-applicants state that they have no objection in case the defendant nos.8 and 9 are transposed as plaintiffs.

11. In view thereof, the application is allowed. The applicants/defendant nos.8 and 9 are transposed as plaintiff nos.2 and 3.

12. An amended memo of parties shall be filed within one week from date.

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13. The plaintiff as also the defendant nos.1 to 3 state that they would be open to explore amicable settlement of the disputes and pray for reference to mediation.

14. Accordingly, parties are referred to mediation. The parties may appear



before the Delhi High Court Mediation and Conciliation Centre on 12.08.2026 at 04:30 p.m. alongwith their counsel, if required.

15. Mr. Mohd Irshad Hanif, learned counsel for the newly transposed plaintiff nos. 2 and 3 objects to the said reference on the ground that he does not have any instruction in this regard.

16. The said statement is noted.

17. List on 29.09.2026 awaiting outcome of mediation, failing which the said I.A. 27481/2025 (under Order VII Rule 11(a), (b) and (c) of the CPC) shall be taken up for consideration.

TUSHAR RAO GEDELA, J

AUGUST 7, 2026

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