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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 9/2026**
SH AJAY SHARMA (SINCE DECASED) THROUGH LRS.
.....Appellant

Through: Mr. Akshay Makhija, Sr. Adv.
with Mr. Kapil Rustagi,
Mr. Tanvir Nayar, Mr. Dev
Pratap Shahi, Mr. Yogya
Bhatia, Ms. Seerat Deep Singh,
Adv.

versus

M/S GLOBAL AGRO CORPORATION PVT LTD & ORS.
.....Respondents

Through: *Nemo.*

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER
% **29.01.2026**

CM APPL. 6163/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 6164/2026 (Delay Of 11 Days In Filing The Appeal)

3. This is an application filed under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as, 'CPC') by the Appellant seeking condonation of delay of 11 days in filing the present appeal.



4. Having heard learned counsel for the appellant and the reasons assigned therein, sufficient cause has been shown for condoning the delay, the present application is allowed and the delay of 11 days in filing the appeal is condoned.

5. Accordingly, the present application stands disposed of.

FAO(OS) 9/2026 & CM APPL. 6162/2026 (Stay)

6. The present appeal has been filed under Section 104 read with Order XLIII Rule 1(1) of the CPC read with Section 10 of the Delhi High Court Act, 1966, against the Order dated 05.12.2025 passed by the learned Single Judge in I.A. No. 389/2023 in CS(OS) No. 132/2019 titled ***M/S Global Agro Corporation Pvt. Ltd. v. Shri Ajay Sharma & Anr.***, (hereinafter referred to as 'Impugned Order'), whereby the above application filed under Order XXII Rule 10 by the Respondent No. 1 herein seeking substitution/impleadment of Mr. Ashish Bansal as plaintiff was allowed.

7. The primary contention raised by learned counsel for the appellant is that on 05.12.2025, when the Impugned Order was passed, Appellant/Defendant No.1, namely Late Sh. Ajay Sharma, had already expired and his legal heirs had not yet been impleaded, and therefore, the effect of the said order operates to his prejudice.

8. It is submitted that the Appellant/Defendant No.1 was one of the co-owners of the suit property with regard to which suit for specific performance was filed, and in the event the suit had abated against Appellant/Defendant No.1 on the date the Impugned Order was passed, it would have stood abated against all the other defendants also. It is further contended that pursuant to the Impugned



Order, whereby the plaintiff itself was substituted, the learned Single Judge thereafter, *vide* Order dated 21.01.2026, allowed I.A. No.620/2023 seeking impleadment of the legal heirs of the deceased Appellant/Defendant No.1, without affording any effective opportunity to the legal heirs of the Appellant/Defendant No. 1 to oppose the application substituting the plaintiff.

9. Learned counsel draws the attention of this Court to the fact that I.A. No.620/2023 seeking impleadment of the legal heirs of the deceased Appellant/Defendant No. 1 had been filed contemporaneously with I.A. No.389/2023 application seeking substitution of plaintiff, yet the same was neither pressed nor adjudicated at the time when the Impugned Order was passed.

10. In view of the foregoing, this Court is of the opinion that the present matter requires consideration.

11. Issue notice to the respondents to be served through all permissible modes on steps being taken by the appellant, returnable for the date fixed.

12. In the meantime, the operation of the Impugned Order and further proceedings in CS(OS) No. 132/2019 shall remain stayed.

13. List before the Registrar on 02.03.2026.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

JANUARY 29, 2026

p/my/nc