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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 397/2021

MAXIMUM OUTFITS PRIVATE LIMITEDPlaintiff

Through: Mr. Raghavendra Mohan Bajaj &
Mr. Kanav Agarwal, Advs.

Versus

PREETA SAGAR AND OTHERSDefendants

Through: Mr. H. S. Arora, Adv. For D-5
and LR's of D-4&10

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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19.03.2025

**IA No.46971/2024 under Order XXII Rule 10 r/w
Section 151 CPC moved by the plaintiff for
impleadment Mr. Sanjay Taneja in place of deceased
D-6, D-7 and D-8 (alongwith his LR's) and D-15 (since
deceased, her legal heirs)**

1. Learned counsel for the plaintiff seeks sometime to file an appropriate application seeking impleadment of LR's of D-15. The last and final opportunity granted for filing the same within four weeks with copy to the opposite side.
2. As per office note, common reply to the captioned IA filed by defendant no.5 and LR's of D-4&10 is on record but rejoinder to the same has not been filed by the applicant till date. Learned counsel for the plaintiff seeks some time to file rejoinder. At request, hard copy of common reply filed by defendant no.5 and LR's of D-4&10 has been supplied to learned counsel for the plaintiff by learned counsel for said defendants today in the court. Rejoinder to the same be filed by the plaintiff within two



weeks as a last and final opportunity, with copy to the opposite side.

3. Notice of the captioned IA be also issued to the remaining non-applicants i.e. Mr. Sanjay Taneja proposed LR of D-6, D-7 and LRs of D-8 and proposed LRs of D-15 (on filing of application by plaintiff for impleadment of LRs of D-15) by all permissible modes on taking steps by the applicant, returnable for the next date of hearing.

4. Re-notify the captioned IA for completion of service/pleadings/consideration on the next date of hearing.

IA No.46050/2024 under Order XXII Rule 4 CPC moved by the plaintiff to bring on record the LRs of D-6

5. Learned counsel for defendant no.5 and LRs of D-4&10 already submitted that he does not wish to file any reply to the captioned IA.

6. The last order records that learned counsel for the plaintiff has drawn my attention to order dated 21.11.2022. The said order records that the learned counsel for the defendant no.1,2,3 and 16 to 19 stated that he does not want to contest the suit. In view of same, he submits that the plaintiff may be exempted from serving the said defendants with notice of the captioned IA. The same was allowed vide last order.

7. As per office note, all the proposed LRs of deceased D-6 are served by ordinary mode through proposed LR no.(b) of D-6, with notice of the captioned IA on 25.01.2025. However, neither any reply has been filed nor anyone is present on behalf of proposed LRs of D-6 today. In the interest of justice, the last and final opportunity is granted to all the proposed LRs of D-6 to file reply to the



captioned IA within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

8. Further, defendant no.7, 8B and D-9 are also served by ordinary mode with notice of the captioned IA. None is present on behalf of said defendants today. Let reply to the captioned IA be filed by the said served defendants within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

9. The defendant no.8A is un-served by ordinary mode with notice of the captioned IA with the report that he had left the said address. The plaintiff is directed to take appropriate steps as per law.

10. The plaintiff has filed Affidavit of Service in this regard. As per the same, the defendant no.11 to 14 are un-served through Speed Post on the ground of 'Refusal' but have been delivered through courier.

11. The service report qua notice of the captioned IA issued to defendant no.11 to 14 by ordinary mode received back un-served with report of locked. However, returned envelopes have been received qua service of said defendants through Speed Post with the report of 'Refused'. It amounts to deemed service of the said defendants. Let reply to the captioned IA be filed by defendant no.11 to 14 within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

12. It is pointed out by learned counsel for D-5 and LRs of D-4&10 that no steps have been taken by the plaintiff



for impleadment of LR's of deceased defendant no.15 till date. At this stage, learned counsel for the plaintiff seeks some more time to file an appropriate application for impleadment of LR's of deceased D-15. The same be filed within four weeks with copy to the opposite side as a last and final opportunity. Needless to say, said impleadment application shall be allowed as per law.

13. Re-notify the captioned IA for completion of pleadings/consideration on the next date of hearing.

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14. It is argued by learned counsel for the plaintiff that Affidavit filed by LR's of D-10 adopting the Written Statement already filed by defendant no.4&5, is time barred. He relies on the order dated 21.10.2021 in support of the same. However, learned counsel for LR's of D-10 submits that the defendant no.10 was already dead when the present suit has been filed by the plaintiff against the defendant no.10. He submits that admission to this effect has been made by the plaintiff himself in IA no.13475/2022 filed by the plaintiff seeking impleadment of LR's of D-10 wherein he has stated that the defendant no.10 has expired on 03.05.2021. Moreover, the said application for impleadment was allowed only on 10.07.2024 subject to payment of cost of Rs.8000/- by the plaintiff to LR's of D-4&10. It is stated that the said cost was received in September, 2024 and LR's of D-10 have adopted the Written Statement already filed by D-4&5 in October, 2024 itself.

Heard. In view of submission made, the adoption of Written Statement of defendant no.4&5 by LR's of D-10 is



not beyond the period of limitation. Accordingly, LR's of D-10 are allowed to adopt the Written Statement already filed by D-4&5.

15. Re-notify the matter for further proceedings on 14.07.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
MARCH 19, 2025/ab

Click here to check corrigendum, if any