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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 106/2007

SMT. SHASHI JAI KRISHNA & ANR.Plaintiffs

Through: Ms. Aparajita Jha, Adv. for LR
(a) to (c) of deceased plaintiff
Mr. Shashank Khurana, Adv.
(Mob.9711560992) for Mr.
Vikram Krishna, one of the LRs
of deceased plaintiff

versus

SHRI DESH RAJ GUPTA & ORS.Defendants

Through: Mr. Praveen Kumar, Adv.
(joined through VC) with Mr.
Nishil Kaushal, Adv. (physically)
for LR no(a) Mr. Uday Gupta of
D-1
Mr. Sameer Vashisht & Mr.
Vedansh Vashisht, Advs. for
D-1(b to d)
Mr. Rohan Taneja, Adv. for
LR(a) Mr. Jayant Gupta of D-2
(Mob.9953542080)
Mr. Vaibhav Kaul, Adv. for Mr.
Nitish Chaudhary, Adv. for LRs
(b) & (c) i.e. Ms. Arti Kirloskar
& Ms. Awanti Pandit of D-2
(joined through VC)
Mr. Anish Kapur & Ms.
Pankhuri Budhiraja, Advs. for
D-3 (joined through VC)
Ms. Rishika Arora, Adv. for
defendant no.4/Mahendra Kumar
Gupta

CORAM:

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

ORDER

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03.09.2024

**I.A. 29955/2024 (u/O XXII Rule 3 of CPC, 1908 by
Vikram Krishna, one of the LRs of deceased P-1 for
bringing on record the LRs of deceased P-1)**

**I.A. 29956/2024 (u/O XXII Rule 9 of CPC, 1908 by
Vikram Krishna, one of the LRs of deceased P-1 for**



setting aside the abatement of the Suit)

I.A. 29957/2024 (u/S 5 of Limitation Act, 1963 for condonation of 34 days' delay by Vikram Krishna, one of the LRs of deceased P-1 in filing I.A. 29955/2024)

I.A. 30026/2024 (u/S 5 of Limitation Act, 1963 for condonation of 34 days' delay by Vikram Krishna, one of the LRs of deceased P-1 in filing I.A. 29956/2024)

1. Learned respective counsels for the defendant no.2(a)/Jayant Gupta and learned counsel for LR(b) to (d) of D-1, defendnat no.2(b) & (c) submit that they have no objection to the captioned IA.

2. Learned counsel for LR no.(a) of D-1 submits that he has not received copy of the captioned IA. the same be supplied within one week. Thereafter, reply, if any, be filed by said proposed LR(a) of D-1 within two 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.

3. Learned counsel for Mahender Gupta also seeks sometime to file reply to the captioned IA. At request, reply be filed on behalf of Mahender Gupta within two weeks as a last and final opportunity 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.

Re-notify the captioned IA for matter for completion of pleadings on the next date of hearing.

IA NO.16762/2023 under Order XXII Rule 3 r/w Section 151 CPC for bringing on record LRs of deceased plaintiff no.1;

I.A.8266/2024(under Order XXII Rule 9 CPC) moved by the plaintiff for setting aside the abatement of the suit; and

I.A.No.8565/2024 (under Section 5 of Limitation Act in filing application under Order XXII Rule 9 r/w Section 151 CPC filed on behalf of LRs of plaintiff no.1 for



setting aside the abatement of the suit)

4. Learned counsel for the applicants submit that earlier she was representing all the LRs of deceased plaintiff no.1 but now she is only representing daughters of deceased of plaintiff no.1. She submits that she will file an appropriate amendment in this regard.

5. Learned respective counsels for the defendant no.2(a)/Jayant Gupta and learned counsel for LR(b) to (d) of D-1, defendnat no.2(b) & (c) submit that they have no objection to the captioned IA.

6. Learned counsel for LR no.(a) of D-1 submits that he has not received copy of the captioned IA. the same be supplied within one week. Thereafter, reply be filed by said proposed LR(a) of D-1 within two 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.

7. Learned counsel for Mahender Gupta also seeks sometime to file reply to the captioned IA. At request, reply be filed on behalf of Mahender Gupta within two weeks as a last and final opportunity 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.

Re-notify the captioned IA for matter for completion of pleadings on the next date of hearing.

I.A.6008/2024 under Order XVIII Rule 16 r/w Section 151 CPC; and

I.A. 6009/2024 under Order XIV Rule 5 CPC; both IAs moved by defendant no.1(b) to 1 (d)

8. Learned respective counsels for 2(a) & D-4 seeks sometime to file reply. Let reply be filed by said defendants within two 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. Learned respective counsels for 2(b) & (c), D-1(a) and D-3 submit that they have not received copy of the captioned IA. The same be supplied within one week. Thereafter, reply, if any, be filed by said defendants within two 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.

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

IA no.6744/2024 under Order XXII Rule 4 CPC moved by defendant no.1(b) to (d) to bring on record LRs of D-1 with affidavit of LR no.(b) Mr. Mayank

10. Learned counsel for defendant no.1(a) submits that he has not received copy of the captioned IA. The same supplied within one week. Thereafter, reply be filed within two 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.

11. Learned respective counsels for other non applicants submit that they have no objection to the captioned IA as the same do not pertain to them.

Re-notify the captioned IA for completion of pleadings on 02.12.2024.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 3, 2024/ab**

Click here to check corrigendum, if any