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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 106/2007
SMT. SHASHI JAI KRISHNA & ANR.Plaintiffs

Through: Mr. Shashank Khurana, Adv. for
one of the LRs of deceased
plaintiff/Mr. Vikram Krishna
Ms. Aparajita Jha, Adv. for LRs
no.(a) to (c) of deceased
plaintiffs (joined through VC)

versus

SHRI DESH RAJ GUPTA & ORS.Defendants

Through: Ms. Chahat Gupta, Adv. for
LR(a)/Uday Gupta of D-1
(Email:
law_sharma@yahoo.com)
Mr. Manashwy Jha, proxy cl. for
D-1(b) to (d)
Mr. Aditya Kapur, Adv. for
LR(a) Mr. Jayant Gupta of D-2
Mr. Nitish Chaudhary, Adv. for
LR(b)&(c) of D-2
(Mob.9810575121, Email:
nitishcy@gmail.com) (joined
through VC)
Mr. Anish Kapur & Mr. Gurudas
Khurana, Advs. for D-3
Ms. Rishika Arora, Adv. for
D-4/Mahender Kumar (joined
through VC)

CORAM:

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

ORDER

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16.01.2025

**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) already submitted that they have no objection to the captioned IA.

2. No reply to the captioned IA has been filed by LR no.(a) of D-1 till date. So, the right of said LR no.(a) of D-1 to file reply to the captioned IAs is ordered to be closed.

3. It is stated by learned counsel for D-4/Mahender Gupta that she has already filed reply to the captioned IA No.30026/2024 & IA No.29956/2024 vide diary no.5650559/24. However, the same is lying under objections. It be noted that the matter was last listed on 03.09.2024 and it was the duty of counsel to bring reply on record. So, cost of Rs.3000/- is imposed upon said defendant to be deposited with Delhi High Court Legal Services Committee. Last and final opportunity is granted to Mahender Gupta to take requisite steps to bring said replies on record. At this stage, learned counsel for defendant no.4 also submits that she does not wish to file any reply to IA no.29955/2024 & IA No.29957/2024.

4. It is stated by learned counsel for the applicant that he has not received copy of replies filed by D-4, to which learned counsel for said defendant no.4 undertakes to supply the same within two days through email. On receipt



of the same, rejoinder, if any, be filed by the applicant within two weeks 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 LR 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 LR of plaintiff no.1 for setting aside the abatement of the suit)

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) already submitted that they have no objection to the captioned IA.

6. No reply to the captioned IA has been filed by LR no.(a) of D-1 till date. So, the right of said LR no.(a) of D-1 to file reply to the captioned IAs is ordered to be closed.

7. It is stated by learned counsel for D-4/Mahender Gupta that she has already filed reply to the captioned IA No.8266/2024 & IA No.8565/2024 vide diary no.5650399. However, the same is lying under objections. She also submits that she does not wish to file any reply to IA no.16762/2023. It be noted that the matter was last listed on 03.09.2024 and it was the duty of counsel to bring reply on record. So, cost of Rs.3000/- is imposed upon said defendant to be deposited with Delhi High Court Legal Services Committee. Last and final opportunity is granted to D-4 to take requisite steps to bring said replies on



record.

8. It is stated by learned counsel for the applicant that she has received copy of reply yesterday only and seeks sometime to file rejoinder. Rejoinder, if any, be filed by the applicant within two weeks 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)

9. Replies to the captioned IAs filed by defendant no.2(a) are on record. However, the heading of the reply filed by defendant no.2(a) to IA no.6008/2024 is not complete. So, defendant no.2(a) is directed to file amendment application in this regard within two weeks with copy to the opposite side.

10. It is stated by learned counsel for the defendant no.4 that she has filed reply to the captioned IAs vide diary no.5650419/24 & 5650499/24. However, the same are lying under objections. It be noted that the matter was last listed on 03.09.2024 and it was the duty of counsel to bring reply on record. So, cost of Rs.3000/- is imposed upon defendant no.4 to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to said defendant to take requisite steps to bring the same on record.

11. Leaned respective counsels for 2(b) & (c), D-1(a) and D-3 submit that they have not received copy of the captioned IA from the applicant till date despite the order



dated 03.09.2024 directing the applicant to supply the same within one week. So, cost of Rs.5000/- is imposed upon the applicant to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to the applicant to supply copy of the captioned IAs to learned counsel for said defendants within two days through email. 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.

12. At this stage, it is stated by learned counsels for proposed LR no.(a) to (c) and (d) of the deceased plaintiff no.1 that they have not received copy of the captioned IAs. So, the applicant is also directed to supply the same within two days through email.

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 LR of D-1 with affidavit of LR no.(b) Mr. Mayank

13. Learned counsel for defendant no.1(a) submits that she has not received copy of the captioned IA despite order dated 03.09.2024. So, cost of Rs.1000/- is imposed upon the applicants to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to the applicants to supply the same within two days/one week through email. 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.

14. Learned respective counsels for other non applicants



already submitted 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 13.02.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 16, 2025/ab

Click here to check corrigendum, if any