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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 LR's of deceased
plaintiff/Mr. Vikram Krishna
Mr. Piyush Kaushik & Mr.
Rehan Bhasin, Adv. (Email:
mknassociates@gmail.com) for
LRs no.(a) to (c) of deceased
plaintiffs

versus

SHRI DESH RAJ GUPTA & ORS.Defendants

Through: Mr. Praveen Kumar, Ms. Chahat
Gupta & Mr. Amolak Singh,
Adv. for LR(a)/Uday Gupta of
D-1 (Email:
law_sharma@yahoo.com)
Mr. Sameer Vashisht & Ms.
Harshita Nathrani, Adv. for
D-1(b) to (d)
Mr. Rohan Taneja, Adv. for
LR(a) Mr. Jayant Gupta of D-2
(Mob.9953542080)
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, Adv. for D-3
Ms. Rishika Arora, Adv. for
D-4/Mahender Kumar (joined
through VC)

CORAM:

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

ORDER

% 13.02.2025

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

**I.A. 29956/2024 (u/O XXII Rule 9 of CPC, 1908 by
Vikram Krishna, one of the LR's 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. The right of said LR no.(a) of D-1 to file reply to the captioned IAs has already been ordered to be closed.

3. As per office note, replies to IA no.29956/2024 & 30026/2024 alongwith proof of cost of Rs.3000/- filed by defendant no.4 are now on record. Learned counsel for defendant no.4 already stated that she does not wish to file any reply to IA no.29955/2024 & IA No.29957/2024. At this stage, it is stated by learned counsel for the applicant that he does not wish to file any rejoinder to the same.

Thus, pleadings are complete.

4. In view of above and the joint request, place the captioned IA before the Hon'ble Court on **01.04.2025**, for further directions.

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)

5. Learned respective counsels for the defendant no.2(a)/Jayant Gupta and learned counsel for LR(b) to (d)



of D-1, defendant no.2(b) & (c) already submitted that they have no objection to the captioned IA.

6. The right of said LR no.(a) of D-1 to file reply to the captioned IAs has already been ordered to be closed.

7. As per office note, replies to IA nos.8266/2024 & 8565/2024 alongwith proof of cost of Rs.3000/- filed by defendant no.4 are on record. It is already stated by defendant no.4 that she does not wish to file any reply to IA no.16762/2023. At this stage, it is stated by learned counsel for the applicant that he does not wish to file any rejoinder to the same. **Thus, pleadings are compete.**

8. In view of above and the joint request, place the captioned IA before the Hon'ble Court on **01.04.2025**, for further directions.

IA No.3762/2025 under Section 151 CPC moved by defendant no.2(a) to take on record the amended reply filed by defendant no.2(a) to IA no.6008/2024

9. Heard. The captioned IA is formal in nature and hence, the same is allowed as prayed for and the amended reply filed by defendant no.2(a) to IA no.6008/2024 is taken on record. Accordingly, the captioned IA stands disposed of.

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)

10. Amended reply filed by defendant no.2(a) to IA no.6008/2024 is taken on record vide order of even date. Reply to IA no.6009/2024 filed by defendant no.2(a) is already on record. Rejoinder, if any, be filed by the applicant within two weeks with copy to the opposite side, as a last and final opportunity.



11. As per office note, replies to the captioned IA alongwith proof of cost of Rs.3000/- filed by defendant no.4 are now on record. Rejoinder, if any, be filed by the applicant within two weeks with copy to the opposite side, as a last and final opportunity.

12. On the last date of hearing i.e. 16.01.2025, the learned respective counsels for D-2(b) & (c), D-1(a) and D-3 stated that despite the order dated 03.09.2024, they have not received copy of IAs till date and in view of submission made, cost of Rs.5000/- was imposed upon the applicant and last and final opportunity was granted to the applicant to supply copy of the captioned IAs to learned respective counsels for 2(b) & (c), D-1(a) and D-3 within two days through email and thereafter, reply was to be filed by defendant no.2(b) & (c), D-1(a) and D-3 within two weeks followed by rejoinder within two weeks. It is stated by learned respective counsels for 2(b) & (c), D-1(a) and D-3 that they have received copy of the captioned IA from the applicants only a day before yesterday despite the said directions. No plausible explanation is furnished by the applicants for not supplying copy of the captioned IA to said defendants within the time prescribed by this court. It be noted that the present matter is pending since the year 2002 and counsels are expected to be diligent in pursuing the present matter. So, further cost of Rs.7000/- is imposed upon the applicants to be deposited with Delhi High Court Legal Services Committee. 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.



It is stated by learned counsel for the applicant that she has deposited the previous cost of Rs.5000/- in terms of para no.11 of the last order dated 16.01.2025. She is directed to file proof of cost with the registry within two weeks.

13. It is stated by learned counsel for proposed LR no.(a) to (c) of deceased plaintiff no.1 that he has not received copy of the captioned IAs from the applicant despite the order dated 16.01.2025, to which learned counsel for the applicant submits that she is not having the details of email of learned counsel for proposed LR no.(a) to (c) of deceased plaintiff no.1 and hence, she could not supply copy of the captioned IA. Learned counsel for said proposed LR (a) to (c) has supplied his email ID to learned counsel for the applicant today. So, the applicant is directed to supply copy of captioned IA through email to learned counsel for proposed LRs no.(a) to (c) of the deceased plaintiff no.1 on his email ID, in terms of order dated 16.01.2025, as a last and final opportunity within two days.

14. Learned counsel for proposed LR no.(d) of deceased plaintiff no.1 submits that he has received copy of the captioned IAs from the applicant.

15. Re-notify the captioned IA for completion of pleadings on **29.04.2025**.

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

16. It is stated by learned counsel for the applicants that he has deposited the previous cost of Rs.1000/-. He is directed to file proof of cost with the registry within two



weeks.

18. Learned counsel for defendant no.1(a) submits that he has not received copy of the captioned IA from the applicant till date despite last and final opportunity granted vide order dated 16.01.2025. So, cost of Rs.2000/- is imposed upon the applicants to be deposited with Delhi High Court Legal Services Committee and one more last and final opportunity is granted to the applicants to supply the same within two days 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.

19. 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.

20. Re-notify the captioned IA for completion of pleadings on **29.04.2025**.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 13, 2025/ab
Click here to check corrigendum, if any