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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 472/2022

KAMAL KUMAR & ANR.

.....Plaintiffs

Through: Mr. Aditya Vijay Kumar & Mr.
Naman Garg, Advs.

versus

CHAMAN PRAKASH & ORS.

.....Defendants

Through: Mr. Sanjeev Singh, Adv. for D-1,
3,4,6,8 to 10, 12 and proposed
D-2(a).

Mr. Raghav Tandon, Ms. Divya
Bansla & Mr. Sumehar Bajaj,
Advs. for D-14.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEEPAK
DABAS (DHJS)**

ORDER

16.02.2026

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**IA No. 26896/2025 filed by plaintiffs u/s 5 of the
Limitation Act seeking condonation of delay in filing
IA No. 43796/2024.**

1. Further arguments on captioned IA heard.
2. Counsel for the plaintiffs/applicants submits that IA No.43796/2024 has been filed for substitution/impleading LR of deceased defendant no.2. Defendant no.2 had expired on 04.12.2023 and IA No.43796/2024 has been filed on 24.10.2024. It is further submitted that the present suit was filed on 06.08.2022 and summons/notice to defendants was issued vide order dated 04.12.2024. It is further submitted that since the filing of present suit, parties were in mediation for about 2 ½ years. Mediation had failed on 22.10.2024. The IA No.43796/2024 has been filed even before issuance of summons in the main suit. There is no delay in filing IA no.43796/2024 and captioned IA has been



filed by way of abundant caution.

3. Counsel for plaintiffs/applicants has relied upon a case titled as **“Om Prakash Gupta & Ors. Vs. Satish Chandra, Civil Appeal No.13407/2024 reported as AIR 2025 SC 1201”**.
4. On the other hand, Mr. Sanjeev Kumar Singh, Counsel for defendant no.1, 3,4,6,8 to 10, 12 and proposed D-2(a) has strongly opposed the captioned IA and vehemently argued that the contents of captioned IA are incorrect, some wrong facts have been mentioned in captioned IA and hence, captioned IA is without merits and is liable to be dismissed.
5. Mr. Sanjeev Kumar Singh, Counsel for defendant no.1, 3,4,6,8 to 10, 12 and proposed D-2(a) has relied upon a case titled as **“Suresh Chandra Vs. Parasram & Ors., Civil Appeal arising out of SLP (C) Nos.15900-15902/2022 decided by Hon’ble Surpeme Court of India on 18.07.2025”**
6. I have duly considered the rival submissions and have perused the records carefully. I have also pursued the aforesaid judgements upon which reliance has been placed by counsel(s) for parties.
7. It is not in dispute that defendant no.2 had expired on 04.12.2023. It is also not in dispute that IA no.43796/2024 i.e. for impleading LRs of deceased defendant no.2 was filed on 24.10.2024. It is also not in dispute that the present suit was filed on 06.08.2022 and summons/notice of present suit was issued to defendants vide order dated 04.12.2024. It is also not in



dispute that since the filing of present suit till 22.10.2024 i.e. for more than 2 years, parties were exploring possibility of compromise/settlement in mediation. It is also pertinent to mention that mediation had failed on 22.10.2024 and IA no.43796/2024 has been filed just after two days of failure of mediation and even before issuance of summons/notice to defendants.

8. It has been held that Hon'ble High Court of Delhi in Catena of Cases that the time spent in mediation centre is to be excluded while computing the period of limitation for filing written statement, etc.
9. Keeping in view the totality of facts and circumstances, the captioned IA is hereby allowed and disposed of.

IA No. 43796/2024 u/O XXII Rule 4 CPC for bringing on record the legal heirs of defendant no.2

10. The present suit has been filed for partition and right to sue survives.
11. Keeping in view the totality of facts and circumstances, the captioned IA is also hereby allowed and disposed of.
12. Amended Memo of Parties be filed within four weeks from today.

IA No. 894/2026 filed by plaintiffs u/O XXII Rule 10A r/w Section 151 CPC to bring on record the factum of death of defendant no.7.

13. Counsel for defendant no.14 submits that he has no objection, if captioned IA is allowed as defendant no.14 is third party to family.
14. Counsel for defendant no.1, 3,4,6,8 to 10, 12 and



proposed D-2(a) seeks and is granted time of four weeks for filing reply qua captioned IA.

15.Rejoinder, if any, may be filed within two weeks thereafter.

IA No. 453/2026 filed by plaintiffs u/O VIII Rule 10 r/w Section 151 CPC seeking closure of right of the defendant no. 1, 3, 4, 6 to 10, 12 and 14 to file their respective written statement.

16.Counsel for defendant no.14 seeks and is granted time of one week for filing reply qua captioned IA.

17.Counsel for D-1, 3,4,6,8 to 10, 12 and proposed D-2(a) seeks and is granted time of four weeks for filing reply qua captioned IA.

18.Rejoinder, if any, may be filed within two weeks thereafter.

IA No. 27942/2025 filed by defendant nos. 1, 4, 6, 10 and 12 u/s 151 CPC seeking directions to the plaintiffs in terms of Order dated 15.01.2025.

19.Counsel for plaintiffs submits that no written reply is to be filed qua captioned IA in view of pendency of IA no.453/2026 and he will address oral arguments on the same straightaway.

20.Counsel for the applicants in IA no.27942/2025 submits that IA no.453/2026 has been filed in response to the captioned IA.

21.Re-notify on 07.05.2026 for further proceedings, as per law.

**DEEPAK DABAS (DHJS),
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 16, 2026/ab**