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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 472/2022

KAMAL KUMAR & ANR.

.....Plaintiff

Through: Mr. Naman Garg, Adv.

versus

CHAMAN PRAKASH & ORS.

.....Defendant

Through: Mr. Sanjeev Kr. Singh, Adv. for
D-1,2(a),3,4,6,8 to 10 &12
Mr. Raghu Tandon, Adv. for
D-14

CORAM:

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

ORDER

07.05.2026

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CS(OS) 472/2022

1. Amended Memo of Parties filed alongwith IA
no.43796/2024 be taken on record.

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

2. Counsel for D-1,2(a),3,4,6,8 to 10 &12 submits that no
written reply is to be filed qua captioned IA and the
only objection he is having qua captioned IA is that the
same has not been filed under proper provision of law
and the procedure prescribed under law has not been
followed.

3. On the other hand, counsel for plaintiff/applicant
submits that defendant no.7 had expired on 10.11.2022.
It is further submitted that LR's of deceased D7 are
already a party in the present suit and they are
defendant no.8&9. Counsel for plaintiff/applicant
further submits that SMC has been filed alongwith



captioned IA.

4. It is not in dispute that D7 has expired leaving behind two LRs i.e. D8&9. The point raised by counsel for D-1,2(a),3,4,6,8 to 10 &12 are technical in nature and it is settled proposition of law that procedural laws are meant to facilitate justice and not to scuttle it. Though the application could have been drafted in a better way and the same should have been filed under relevant provision of law, however, the said technical/formal aspects are not of much significant and can be ignored.
5. Keeping in view the totality of facts and circumstances, the captioned IA stands allowed and disposed of.
6. Amended Memo of parties be filed within two weeks from today.

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

7. Reply on behalf of D-1,4,10 &12 qua captioned IA is already on record.
8. Counsel for D-2(a),3,6,8 & 9 submits that the said defendants are adopting the reply filed by D-1,4,10 &12.
9. Counsel for defendant no.14 seeks and is granted time of two weeks for removing the objections raised by Registry.
- 10.Rejoinder, if any, may be filed within two weeks thereafter.

I.A.No.11878/2026 filed by D1,4,10&12 u/Order XI Rules 12 & 14 r/w Section 151 CPC seeking directions to plaintiffs for disclosure of information and



production of documents.

11.Counsel for plaintiffs seeks and is granted time of two weeks for filing reply qua captioned IA.

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

IA No.27942/2025 filed by D1,4,6,10&12 u/Section 151 CPC seeking directions to plaintiffs in terms of order dated 15.01.2025.

13.Counsel for plaintiffs has already submitted 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 (order dated 16.02.2026).

14.Re-notify on 31.08.2026 for disposal of pending IAs.

**DEEPAK DABAS (DHJS),
JOINT REGISTRAR (JUDICIAL)**

MAY 7, 2026/ab