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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 3992/2024 & CM APPL. 71316/2024**

SH ROSHAN LAL SINCE DECEASED THR HIS LRS

.....Petitioners

Through: Mr. Praveen Suri, Advocate with Mr.
Inder Mohan.

versus

SH AMAR LUNIAL AND ORS

.....Respondents

Through: Mr. Sunil Lalwani, Advocate

+ **FAO 376/2024 & CM APPL. 71318/2024**

SHRI ROSHAN LAL SINCE DECEASED THR HIS LRS

.....Appellants

Through: Mr. Praveen Suri, Advocate with Mr.
Inder Mohan.

versus

SH AMAR LUNIAL AND ORS

.....Respondents

Through: Mr. Sunil Lalwani, Advocate

+ **CM(M) 955/2025, CM APPL. 31319/2025 & 31410/2025**

AMAR LUNIAL

.....Petitioner

Through: Mr. Sunil Lalwani, Advocate

versus

ROSHAN LAL (SINCE DECEASED) THR LRS AND ORS

.....Respondents

Through: Mr. Praveen Suri, Advocate with Mr.
Inder Mohan

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA



ORDER

08.10.2025

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1. The FAO 376/2024 challenges dismissal of application under Order XXII Rule 10 CPC filed by the present appellants. Broadly speaking, since the original defendant passed away without filing Written Statement, the learned trial court allowed the application of the present respondent under Order XXII Rule 4(4) CPC, thereby exempting substitution of the deceased defendant with his LRs. The alleged assignees of the share of the deceased defendant filed the application under Order XXII Rule 10 CPC which was dismissed by impugned order. Contention of appellant is that the word “person” used in Order XXII Rule 10 CPC does not include an assignee because assignee is a third party. It is also contended that where the assignee is one of the defendants, the word “person” used in Order XXII Rule 10 CPC would cover the said assignee as well.
2. CM(M) 3992/2024 assails dismissal of application of the petitioner under Order XLI Rule 27 CPC. The learned trial court observed that all the documents sought to be filed through the application are already on record and form part of the trial court judgment. Besides, there being no Written Statement on record, scope of taking on record additional documents does not come into play.
3. CM(M) 955/2025 deals with disposal of application of the petitioners under Order XII Rule 2, 2A & 4 CPC, holding it not to be obligatory for the trial court to direct admission/denial of the documents.
4. Going by the above, it is submitted by both sides that first they would address on FAO 376/2024, followed by CM(M) 3992/2024, followed by CM(M) 955/2025.



5. One of the major contentions of counsel for Amar Lunial & Ors. is that the applications culminating into the impugned orders were filed after inordinate delay of almost 20 years, which in itself is a ground to reject the same.
6. After addressing partly, learned counsel for Brij Mohan & Ors. seeks some more time to examine the legal position as regards his interpretation of the provision under Order XXII Rule 10 CPC.
7. Relist on 05.02.2026 in Advance List. Interim orders to continue till next date of hearing.

GIRISH KATHPALIA, J

OCTOBER 8, 2025/as