



\$~7

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 413/2020

SHRI KAILASH NATH KHANNA

.....Plaintiff

Through: Mr. Amarjeet Singh Sethi & Ms.
Vanshita Bhunanda, Advs. (email:
amarjeetsahni@rediffmail.com and
Mob. No. 9810047975).

versus

M/S APPLE BUILD HOMES LLP & ORS.

.....Defendant

Through: Mr. Rajender Agarwa, Adv. for D-
1 to 7 (Mob. No. 9810651681).

Mr. Karan Nagrath, Mr. Ambuj
Tiwari and Mr. Arjun Nagrath,
Advs. for D-17.

None for D-8 (c).

None for D-8 (a) & (b), D-10 to
15, LRs of D-16 & for proposed D-
18.

D-9 is stated to have expired.

Mr. Niraj Khanna, AR/son of D-10
is present in person (E-mail ID:
nirajkhanna1@gmail.com)

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)

ORDER

29.01.2024

%

Proceedings are being conducted through hybrid mode.

**I.A. No. 23980/2023 (by plaintiff u/S 151 of CPC seeking
rectification in prayer clause of IA No.16944/2021)**

1. As per office noting, notice of the captioned IA has been
served upon defendants no.10 and 14 as well as upon



defendant no.1 to 7 and 17 through counsels. However, notice sent to defendants no.8(a) to (c), 9, 11, 12, 13 and 15 remained unserved and service report of notice sent to remaining defendants is awaited.

2. Ld. Counsel for defendants no.1 to 7, Ld. Counsel for defendant no.17 accept notice of the captioned IA and submit that they have not received copy of the captioned IA. Ld. Counsel for plaintiff submits that he will supply the same within one week. Let same be supplied accordingly and thereafter, the said defendants may file their reply within four weeks and rejoinder thereto be filed within two weeks thereafter.
3. No reply to the captioned IA has been filed on behalf of defendants no.10 and 14. Let the same be filed within four weeks and rejoinder thereto be filed within two weeks thereafter.
4. Issue notice of the captioned IA to the defendants no.8(a) to (c), 9, 11, 12, 13 and 15 through counsel as well as in person, through all permissible modes for next date of hearing, who may file reply to captioned IA within four weeks from date of service and rejoinder thereto be filed within two weeks thereafter.

I.A. No.16944/2021 (u/O XXII Rule 4 read with Section 151 of CPC on behalf of proposed LR's of plaintiff for brining on record LR's of defendant no.8 and 16) &

I.A. No.16945/2021 (u/S 151 of CPC seeking condonation of delay of 91 days in refiling IA No.16944/2021 by proposed LR's of plaintiff)

5. IA No.23980/2023 filed on behalf of plaintiff seeking correction in prayer clause of captioned IA, is pending for consideration.



I.A. No.23045/2023 (by plaintiff u/O XXII Rule 4 r/w Sec. 151 of CPC for bringing on record LRs of deceased defendant no.9) &

I.A. No.23046/2023 (by plaintiff u/S 5 of Limitation Act seeking condonation of delay of 346 days in filing IA No. 23045/2023).

6. Ld. Counsel for defendants no.1 to 7, Ld. Counsel for defendant no.17 and son of defendant no.10 on behalf of defendant no.10 accept notice of the captioned IAs and submit that they have not received copy of the captioned IA. Ld. Counsel for plaintiff submits that he will supply the same within one week. Let the same be supplied accordingly and thereafter, the said defendants may file their reply within four weeks and rejoinder thereto be filed within two weeks thereafter.
7. Notice of the captioned IAs issued to LRs of defendant no.9 and remaining defendants have remained unserved.
8. At request, issue fresh notice of the captioned IA to LRs of defendant no.9 in person and to remaining defendants through counsel, who may file reply within four weeks from the date of service and rejoinder thereto within three weeks thereafter.

I.A. No.17131/2021 (u/o XXII Rule 3 r/w Section 151 of CPC for impleadment of legal heirs of the plaintiff) &

I.A. No.17132/2021 (u/S 151 CPC seeking condonation of delay of 91 days in re-filing IA No.17131/2021)

9. Ld. Counsels for defendants no.1 to 7 and defendant no.17 already submitted that they did not wish to file any reply to the captioned IAs and have no objection if the same is allowed.
10. At request, issue fresh notice of the captioned IAs to the remaining defendants through all permissible modes for next date of hearing.



CS(OS) 413/2020

11. Separate applications for bringing on record LRs of the plaintiff and LRs of defendant no.8, defendant no.9 and defendant no.16 are pending for consideration.
12. Re-notify the present matter for further proceedings on **30th May, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 29, 2024/v

Click here to check corrigendum, if any