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

+ **CS(OS) 413/2020 and I.A. 16944/2021, 16945/2021, 17131/2021, 17132/2021, 23045/2023, 23046/2023, 23980/2023**

SHRI KAILASH NATH KHANNA Plaintiff

Through: Mr. Mr. Amiet Andlay, Advocate (M: 9811151686).

versus

M/S APPLE BUILD HOMES LLP & ORS. Defendants

Through: Mr. Harish Malhotra Sr. Adv with Mr. Rajender Agarwal and Mr. Anoop Kumar, Advocates for D- 1 to 7 (M: 9810651681).

Mr. Arpit Dudeja, Advocate for D-2(C) (M: 8826909220).

Mr. Rajiv K Nanda, Mr. Shyam S Sharma, Mr Sanjeev Kr. Baliyan, Mr. Yash Yadav & Ms. Himanshi, Advs. for D-10 (M: 9899448914).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **29.04.2024**

1. This hearing has been done through hybrid mode.

I.A.16944/2021 (u/O XXII Rule 4 CPC) in CS(OS) 413/2020

2. This is an application filed under Order XXII Rule 4 CPC by legal heirs of Plaintiff- Shri. Kailash Nath Khanna, i.e. Smt. Renu Khanna and Shri Dhiraj Khanna for impleadment of the legal heirs of Defendant No. 8- Shri. Ishwar Nath Khanna and Defendant No. 16 – Smt. Roop Mehra. The legal heirs of late Shri Ishwar Nath Khanna include his wife Smt. Kusum



Khanna and his two daughters. Late Smt. Roop Mehra is survived by her two sons. Accordingly, the said members are impleaded as under:

- i. Legal heirs of Defendant No. 8- late Shri Ishwar Nath Khanna:
D8(a)- Smt. Kusum Khanna- wife
D8(b)- Smt. Yakita Sachdev- daughter
D8(c)- Smt. Vandana Seth- daughter
- ii. Legal heirs of Defendant No. 16- Smt. Roop Mehra
D16(a)- Shri Rajeev Mehra- son
D16(b)- Shri Aditya Mehra- son

3. Considering the delay in filing this application for impleadment of legal heirs, costs of Rs. 10,000/- are imposed. The same shall be deposited with the Delhi High Court Staff Welfare fund. The details are as under:-

Nate of Account:- Delhi High Court Staff Welfare Fund

Account No:- 15530110074442

Bank:- UCO Bank, Delhi High Court

4. Application is disposed of.

I.A. 16945/2021 (for delay) in CS(OS) 413/2020

5. This is an application seeking condonation of delay of 91 days in refiling of application under Order XXII Rule 4 of CPC. The delay is condoned.

6. Application is disposed of.

I.A. 17131/2021 (u/O XXII Rule 3 and u/O 1 Rule 10 CPC) in CS(OS) 413/2020

7. This is an application under Order XXII Rule 3 and under Order I Rule 10 CPC filed on behalf of the legal heirs of Shri. Kailash Nath Khanna, i.e. Smt. Renu Khanna and Shri Dhiraj Khanna for impleadment as the legal



heirs of late Shri. Kailash Nath Khanna i.e., the Plaintiff. The details of the said legal heirs are as under:-

Legal heirs of the Plaintiff- Shri. Kailash Nath Khanna:

Smt. Renu Khanna- wife

Shri Dhiraj Khanna- son

Smt. Benu Pandit- daughter

8. It is prayed that Smt. Renu Khanna and Shri Dheeraj Khanna be impleaded as legal heirs of Plaintiff. Accordingly, the said members are impleaded as follows:

P1(a)- Smt. Renu Khanna

P1(b)- Shri Dhiraj Khanna

9. It is submitted that late Shri. Kailash Nath Khanna also had a daughter Smt. Benu Pandit, as stated above. Since an application has not been moved for impleading her as the Defendant, she is impleaded as Defendant No. 18 as a proforma/ proper party.

10. Application is disposed of.

I.A. 17132/2021 (for delay) in CS(OS) 413/2020

11. This is an application for condonation of delay. The delay is condoned.

12. Application is disposed of.

I.A. 23045/2023 (u/O XXII Rule 4 CPC) in CS(OS) 413/2020

13. This is an application filed under Order XXII Rule 4 CPC by Plaintiff for impleadment of the legal heirs of Defendant No. 9- Shri. Prem Nath Khanna. Late Shri Prem Nath Khanna was survived by his wife Smt. Veena Khanna, his son – Mohit Khanna and his daughter – Samiksha Singh. Accordingly the said parties are impleaded as under:-



D9(a)- Smt. Veena Khanna

D9(b)- Mohit Khanna

D9(c)- Samiksha Singh

14. Application is disposed of.

I.A. 23046/2023 (for delay) in CS(OS) 413/2020

15. This is an application for condonation of delay. The delay is condoned.

16. Application is disposed of.

I.A. 23980/2023 (for direction) in CS(OS) 413/2020

17. All the applications for substitution of legal heirs in respect of Plaintiff, Defendant No. 8, Defendant N. 16 and Defendant No. 9 are also allowed.

18. Let the legal heirs properly be located and a fresh amended memo of parties to be filed within one week without any errors.

19. The abatement, if any, due to non-impleadment of legal heirs, if any, is set aside.

20. Notice shall go to all the legal heirs through mobile numbers if available and Plaintiff shall take *dasti* notice to everybody.

21. Ld. Counsel for the Plaintiff to supply complete paper book to Mr. Nanda, Id. Counsel appearing for Defendant No. 10- Shri Parmeshwar Nath Khanna.

22. List before the Joint Registrar on 30th May, 2024.

23. List before the Court on 1st August, 2024.

I.A. 9418/2024 (u/O VII Rule 14 (3)) in CS(OS) 413/2020

24. This is an application filed under Order VI Rule 4 CPC for taking on record the necessary documents including site plan, order passed in ***W.P (C)***



9840/2020 and order dated 20th January, 2021 passed by the North Delhi Municipal Corporation.

25. Considering the nature of the documents, the same are taken on record without going into the merits of these documents. If the Defendants wish to file any rebuttal documents, they may do so.

26. Application is disposed

CS(OS) 413/2020

27. Copies of all the documents along with all the applications be served upon the ld. Counsels for all parties.

28. List before the Joint Registrar on 30th May, 2024.

29. List before the Court on 1st August, 2024.

30. The amended memo of parties in terms of this order be filed, within one week, by the Plaintiff.

PRATHIBA M. SINGH, J.

APRIL 29, 2024

mr/bh