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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 413/2020**
SHRI KAILASH NATH KHANNA

.....Plaintiff

Through: Mr. A.S. Bakshi, Mr. A. Puri, Mr. N.S. Bakshi, Mr. Pranav, Ms. Vibha & Mr.Prithvi, Advs. for proposed LR's of deceased plaintiff (Mobile No. 9818223833, 9818123833; E-mail ID advocateamiteshsinghbakshi@gmail.com)

versus

M/S APPLE BUILD HOMES LLP & ORS.

.....Defendant

Through: Mr. Rajender Aggarwal, Adv. for D-1 to 7
Ms. Anant Mehrotra, Adv. for D-8 (c).
None for D-8 (a) & (b), D-9 to 15, LR's of D-16 & for proposed D-18.
Ms. Udit Khattar, Adv. for D-17

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)

ORDER

% **03.02.2022**

Court hearing convened via video conferencing on account of Covid-19

I.A. No.16944/2021 (under Order XXII Rule 4 read with Section 151 of Code of Civil Procedure on behalf Smt Renu Khanna and Shri Dhiraj Khanna Legal Representatives/ Legal Heirs of Late Shri Kailash Nath Khanna, the sole Plaintiff);



I.A. No.16945/2021 (under Section 151 CPC seeking condonation of delay of 91 days in refiling of the application under Order 22 Rule 4 CPC);

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

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

1. Affidavit of service has been filed by the plaintiff, however, postal receipts annexed along with the same are not legible. Further, the second set of postal receipts annexed with the application, though is legible, however tracking reports with respect to those receipts have not been filed. Hence, service cannot be said to be complete.
2. Learned counsel for proposed LR's of the plaintiff submits that same could not be filed due to paucity of time.
3. Learned counsel for the defendant no.1 to 7 submits that the defendant no.9, namely, Sh. Prem Nath Khanna has expired and this information was supplied to learned counsel for the plaintiff herein on 04/01/2022 in another suit bearing CS (OS) No.3369/2015 filed by the same plaintiff. Let the needful in this regard be done as per law.
4. No objection to the objection has already been given on behalf of defendant no.1 to 7. Learned counsel for the defendant no.8 (c) and defendant no.17 seek time to obtain instructions.
5. It is submitted that sufficient time for directing fresh service is not available because the main matter is coming up before the Hon'ble Court on 04/02/2022.



6. In view of submissions, let the matter be placed before the Hon'ble Court for further directions on the date already fixed i.e. **04th February, 2022.**

FEBRUARY 3, 2022/nk

**JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

[Click here to check corrigendum, if any](#)