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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 615/2021
MS DEVENDER K ASSOCIATES & ANR.

.....Plaintiffs

Through: Mr. Vishal Maan, Mr. Aditya
 Singh & Mr. Kartik Dabas, Advs.

Versus

MS ARTHA COMMERCIAL COMPLEX LLP & ORS.

.....Defendants

Through: Mr. Misbahul Haque, Adv. for
 D-1
 Mr. Parvesh Bhargave, Adv. for
 D-3 to 6 (joined through VC)
 Mr. Kuldeep Babbar, Adv. for D-7
 (Mob.9810032294)
 Mr. Naveen Malik & Mr. Harsh
 Kumar Singh, Advs. for D-8

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
 MAHENDRA, (DHJS)**

ORDER

% 13.05.2025

**IA no.35250/2024 under Order XXII Rule 4 CPC
 moved by the plaintiffs for impleadment of LR of D-2;
 and**

**IA No.35251/2024 under Section 5 of Limitation Act
 moved by the plaintiffs seeking condonation of delay in
 re-filing IA no.35250/2024**

1. No reply to the captioned IAs has been filed by proposed LR no.2(1) to 2(3) till date despite being granted opportunity of three weeks' to file the same vide order dated 14.02.2025. None is present on behalf of said proposed LR today to explain in this regard. So, the right of said proposed LR no.2(1) to 2(3) to file reply to the captioned IAs is ordered to be closed.

2. As per the captioned IAs, the defendant no.2 is survived by five LRs. Notice of captioned IAs issued to proposed LR no.4 & 5, who are the married daughters of

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deceased defendant no.2 earlier received back un-served with the report that the house number are not in the sequence in the said place and hence, husband's name is required for effective service of proposed LR nos.4&5 of deceased defendant no.2. So, learned counsel for defendant no.3 to 6 is directed to provide the names of husband of said proposed LR no.4&5 of deceased defendant no.2 to learned counsel for the plaintiff within one week. The same have been now provided to learned counsel for the plaintiff on his e-mail by learned counsel for defendant no.3 to 6. The plaintiff is directed to take appropriate steps for service of un-served proposed LR no.4&5 of deceased defendant no.2 with notice of the captioned IAs as per law.

3. The applicant/plaintiff has also not filed the Death Certificate of deceased defendant no.2 alongwith the captioned IA. Learned counsel for the plaintiff submits that he could not file the same as copy of the same has not provided to him nor he was informed about the date of death of deceased defendant no.2. In these circumstances, learned counsel for the defendant no.3 to 5 is directed to supply the requisite details alongwith Death Certificate of deceased defendant no.2 to learned counsel for the plaintiff within one week. Thereafter, the plaintiff will take appropriate steps as per law for filing the Death Certificate of deceased on record.

4. Learned respective counsels for defendant no.1, 3 to 6, 7 & 8 already submitted that they do not wish to file any reply to the captioned IA as they have no objection to the

captioned IA.

5. Re-notify the captioned IA for completion of service



qua proposed LR no. 85 of deceased defendant no.2/further proceedings/consideration on the next date of hearing.

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6. As per order dated 20.10.2023, pleadings qua defendant no.3 to 6 and defendants no. 7 and 8 are complete.

7. Further, Replication alongwith Affidavit of Admission/Denial of the documents filed by defendant no.1 is already on record.

8. The plaintiff has not filed the fresh/proper Affidavit of Admission/Denial of the documents in compliance of para no.5 of the last order dated 14.02.2025.

9. The plaintiff has also not filed the composite Affidavit of Admission/Denial of the documents for the additional documents filed by defendant no.1 which were allowed to be taken on record vide order dated 05.11.2024 in terms of submission made in para no.6 of the last order dated 14.02.2025.

10. Learned counsel for the plaintiff seeks one more opportunity to file the same. No plausible explanation is furnished by learned counsel for the plaintiff for not complying the last order till date. So, cost of Rs.1000/- is imposed upon the plaintiff to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to the plaintiff to comply the last order dated 14.02.2025, within two weeks.

11. Thereafter, the plaintiff is directed to share draft of

Joint Schedule of the documents compatible with fresh Affidavit of Admission/Denial of the documents &



composite Affidavit of Admission/Denial of the documents for the additional documents filed by defendant no.1, with learned counsels for the defendants within two weeks. Learned counsels for defendants are directed to provide their inputs, if any, to the draft of Joint Schedule of the documents within two weeks. Thereafter, the plaintiff is directed to file soft copy as well as physical copy of Joint Schedule of the documents within one week.

12. Parties are directed to file physical copy of the documents of which e-copy already filed on record, if not filed earlier, before the next date of hearing, as a last and final opportunity, failing which the defaulting party will deposit cost of Rs.1000/- with Delhi High Court Legal Services Committee.

Re-notify the matter for marking of exhibits to the documents on 28.08.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 13, 2025/ab

Click here to check corrigendum, if any