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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, Adv.

versus

MS ARTHA COMMERCIAL COMPLEX LLP & ORS.

.....Defendants

Through: Mr. N. Raja Singh, Adv. for D-1.

D-2 has already expired.

None for D-3 to 5&6.

Mr. Kuldip Babbar, Adv. for D-7.

Mr. Suryansh Jamwal, Adv. for D-8.

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PREETI
PAREWA, (DHJS)**

ORDER

% **28.08.2025**

**IA no.35250/2024 under Order XXII Rule 4 CPC
moved by the plaintiffs for impleadment of LR of
deceased 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.**

The right of said proposed LR no.2(1) to 2(3) to file reply to the captioned IAs has already been ordered to be closed.

It has already been stated on behalf of defendant no.1, 3 to 6, 7 & 8 during the proceedings dated 13.05.2025 that said defendants have no objection to the above captioned IA and no reply has been filed on their behalf.

As per office note, service report qua notice issued to proposed LR no.(iv) of deceased defendant no.2 is awaited. Be awaited for the next date of hearing.

Further, proposed LR no.(v) of deceased defendant no.2 is un-served through Ordinary process with report



‘cannot located’ but has been served through Speed Post.

In the interest of justice, let fresh steps be taken by the plaintiff for service of proposed LR no.(iv) & (v) of deceased defendant no.2, through all permissible modes, on filing of process fee within two weeks from today, returnable for the next date of hearing.

Learned counsel for the applicant/plaintiff submits that an illegible copy of the Death Certificate of deceased defendant no.2 was served upon him by learned counsel for the defendant no.3 to 5. None is present on behalf of said defendants today. Let legible copy of Death Certificate of deceased defendant no.2 be supplied to learned counsel for the plaintiff within three weeks from today and thereafter the plaintiff shall take appropriate steps as per law for filing of Death Certificate of deceased defendant no.2 on record.

Re-notify the captioned IA for completion of service qua proposed LR no.(iv)&(v) of deceased defendant no.2/further proceedings/consideration on the next date of hearing.

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

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

The plaintiff has not filed composite Affidavit of Admission/Denial of the documents in compliance of para no.6 of order dated 14.02.2025 and also not file the proof



of cost of Rs.1000/-, directed to be deposited with Delhi High Court Legal Services Committee, vide order dated 13.05.2025.

Learned counsel for the plaintiff submits that said cost has been deposited. The plaintiff shall file proof of the said cost with the Registry, before the next date of hearing.

Learned counsel for the plaintiff further submits that an application bearing IA no.18591/2025 under Order VII Rule 14 CPC seeking permission to bring on record the documents alongwith an IA no.18592/2025 seeking condonation of delay of 73 days in re-filing IA no.18591/2025 is pending before the Hon'ble Court.

Re-notify the matter for further proceedings on 09.12.2025.

PREETI PAREWA (DHJS)
JOINT REGISTRAR (JUDICIAL)
AUGUST 28, 2025/ab