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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. Kartik Dabas & Ms. Hasrat Kaur Pethi, Advs.

Versus

MS ARTHA COMMERCIAL COMPLEX LLP & ORS.

.....Defendants

Through: Mr. N. Raja Singh, Ms. Manisha Chaudhary & Ms. Fariya Sharaf, Advs. for D-1 (joined through VC).

D-2 has already expired.

Mr. Mahender Singh Gahlan (Mob. 8383006940, 8800128047) (Email. msgahlan@gmail.com) & Mr. Nikhil Gautam, Advs. for LR no. (iv)/Smt. Rekha and LR no. (v)/Smt. Anita of deceased defendant no. 2/Mr. Ram Kumar (joined through VC).

None for D-3 to 5&6.

D-7/Mr. Sushil Bhargava in person.

Mr. Tarun Kumar, Mr. Puneet Sharma & Mr. Naveen Malik, Advs. for D-8.

CORAM:

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

ORDER

% **09.12.2025**

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.

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



2. 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.

3. As per office note, service report qua notice issued to proposed LR no.(iv) of deceased defendant no.2 is awaited and notice issued to proposed LR no.(v) of deceased defendant no.2 is un-served with report 'insufficient address/not traceable'.

4. At this stage, Adv. Mr. Mahender Singh Gahlan has appeared through VC for proposed LR no.(iv) & (v) of deceased defendant no.2 and accepted notice of the above captioned IA. He requests for supply of the copy of the suit. Let the same be supplied through e-mail along with the annexures by the learned counsel for the plaintiffs. Let reply, if any, to the above captioned IA be filed on behalf of proposed LR no.(iv) & (v) of deceased defendant no.2 within three weeks from today with copy to the opposite side, who shall be at liberty to file Rejoinder, if any, within two weeks thereafter.

5. Learned counsel for the applicant/plaintiff submits that still the legible copy of the Death Certificate of deceased defendant no.2 has not been served upon him by the learned counsel for the defendant no.3 to 5. None is present on behalf of said defendants today. Let a Court notice be issued to the learned counsel for the defendant no. 3 to 5 for providing the legible copy of Death Certificate of deceased defendant no.2 to the learned counsel for the plaintiff within three weeks from the receipt of Court notice. Thereafter, the plaintiff shall take



appropriate steps as per law for filing of Death Certificate of deceased defendant no.2 on record.

6. Re-notify the above captioned IA for completion of pleadings on the next date of hearing.

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

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

9. The plaintiffs have still not filed composite Affidavit of Admission/Denial of the documents in compliance of para no.6 of order dated 14.02.2025 and the proof of cost of Rs.1000/-, directed to be deposited with Delhi High Court Legal Services Committee, vide order dated 13.05.2025.

10. Learned counsel for the plaintiffs undertakes to comply with the said orders. The plaintiffs are directed to file the composite Affidavit of Admission/Denial of the documents in compliance of para no.6 of order dated 14.02.2025 and the proof of cost of Rs.1000/-, directed to be deposited with Delhi High Court Legal Services Committee, vide order dated 13.05.2025, within four weeks from today.

11. Further, learned counsel for the plaintiffs 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 has been allowed by the Hon'ble Court vide order dated 30.10.2025 with liberty to defendants to file further documents in rebuttal thereto, if any. The plaintiff is also directed to place the physical copies of the said additional documents on record, before the next date of hearing.

12. The defendants are directed to file an additional Affidavit of Admission/Denial of documents qua the documents of the plaintiff, directed to be taken on record vide order dated 30.10.2025 by the Hon'ble Court within three weeks with copy to the opposite side.

13. The further documents in rebuttal thereto, if any, be filed on behalf of the defendants with copy to the opposite side within three weeks.

14. An application for impleadment of LR's of deceased defendant no. 2 is pending consideration.

15. Re-notify the matter for further proceedings on 24.03.2026.

PREETI PAREWA (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 09, 2025/bs