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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. Kartik Dabas, Adv.**

**Versus**

**MS ARTHA COMMERCIAL COMPLEX LLP & ORS.**

**.....Defendants**

**Through: Mr. N. Raja Singh, Adv. for D-1  
(joined through VC).**

*D-2 has already expired.*

Mr. Nikhil Gautam, Adv.  
(physically) and Mr. Mahender  
Singh Gahlan, Adv. (joined  
through VC) for LR no. (iv)/Smt.  
Rekha and LR no. (v)/Smt. Anita  
of deceased defendant no. 2/Mr.  
Ram Kumar.

Mr. Parvesh Bhargave, Adv. for  
D-3 to 6 (joined through VC)  
(Mob. 8607388401, e-mail:  
[adv.bhargave@gmail.com](mailto:adv.bhargave@gmail.com)).

D-7/Mr. Sushil Bhargava in  
person.

Mr. Hardeep Godara, Adv. for  
D-8.

**CORAM:**

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

**ORDER**

**% 24.03.2026**

**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. No reply to the captioned IA filed on behalf of proposed LR no.(iv) & (v) of deceased defendant no. 2. Learned counsel for the said LRs of deceased defendant no. 2 submits that he has no objection to the captioned IAs.

4. As per office note, Court notice issued to the learned counsel for the defendant no. 3 to 6 for providing the legible copy of Death Certificate of deceased defendant no.2 received back served on 05.02.2026. Learned counsel for the defendant no. 3 to 6 submits that the legible copy of the said Death Certificate is not available with him.

5. The factum of death of defendant no. 2 is not disputed. Submissions heard.

6. For the reasons mentioned in IA No. 35251/2024, the delay in re-filing of IA No. 35250/2024 is condoned. Further, IA No. 35250/2024 is hereby allowed and the LRs of deceased defendant no. 2/Mr. Ram Kumar, as mentioned in para 4 of the captioned IA No. 35250/2024 are hereby substituted in place of deceased defendant no. 2/Mr. Ram Kumar.

7. Amended memo of parties filed along with IA No. 35250/2024 be placed on record by the Registry.

8. Both captioned IAs stand **disposed of** accordingly.

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9. Furthermore, as per office note, fresh vakalatnama has been filed on behalf of LR no. (iv) & (v) of deceased defendant no. 2.

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



complete.

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

12. Vide order dated 30.10.2025, passed by the Hon'ble Court, the plaintiffs have been permitted to file additional documents with liberty to defendants to file further documents in rebuttal thereto, if any.

13. As per office note, the defendant no. 7 has filed the Affidavit of Admission/Denial of additional documents.

14. Learned counsel for the defendant no. 1 submits that he has filed the additional documents today vide diary no. 131901/2026. However, the same is not yet reflected on record. Let the needful be done to bring the same on record, before the next date of hearing.

15. The remaining defendants are directed to file their respective Affidavit of Admission/Denial of documents qua the additional documents with copy to the opposite side.

16. The plaintiff is directed to place the physical copies of the said additional documents on record, before the next date of hearing.

17. On receipt of the Affidavits of Admission/Denial of documents on behalf of all the defendants, the plaintiff shall file a composite Joint Schedule of documents in physical as well as digital form, with copies to the opposite side, before the next date of hearing.

18. Learned counsel for plaintiff is directed to supply copy of the suit along with annexures to the learned counsel for the LRs of deceased defendant no. 2 and copy



of the additional documents of the plaintiff to the learned counsel for the defendant no. 3 to 6.

19. Re-notify the matter for marking of exhibits to the documents on 13.07.2026.

**PREETI PAREWA (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**  
**MARCH 24, 2026/bs**