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IN THE HIGH COURT OF DELHI AT NEW DELHI

TEST.CAS. 112/2021

RAHUL TALWAR

.....Petitioner

Through: Mr. Jagdish Vatsa, Adv.

versus

STATE AND OTHERS & ORS.

.....Respondents

Through: Ms. Avni Singh, Panel Counsel,
GNCTD/State

Ms. Anjali Sisodia, Adv. for R-3

Mr. Shivain Vaidialingam, Adv.
for R-4,5,6&10

None for R-8A & 9

CORAM:

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

ORDER

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22.04.2025

**IA No.10063/2025 under Section 151 CPC moved by
respondent no.5&10 for directions**

1. Learned respective counsels for the petitioner and respondent no.3 accept notice of the captioned IA and seek sometime to file reply to the same. Let reply to the captioned IA be filed by the petitioner and respondent no.3 within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

2. At request, issue notice of the captioned IA to respondent no.8A&9 through counsel by all permissible modes on taking steps by the applicants, returnable for the next date of hearing.

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

**IA no.42250/2024 under Section 151 CPC moved by the
petitioner**

4. Learned counsel for the respondent no.4,5,6&10 already stated that he does not wish to file any reply to the



captioned IA.

5. Vide order dated 13.01.2025 subject to imposition of cost of Rs.4000/- upon respondent no.8A to be paid to the plaintiff, the last and final opportunity was granted to respondent no.8A to take requisite steps to bring reply on record within two weeks. However, no steps have been taken by respondent no.8A to bring the said reply on record. Further, the said cost of Rs.4000/- has not been paid by respondent no.8A to learned counsel for the petitioner till date. Even, none is present on behalf of defendant no.8A today to explain in this regard. It was further clarified on the last date of hearing that in case of further default on the part of respondent no.8A, reply shall not be taken on record. Accordingly, reply stated to have been filed by respondent no.8A cannot be allowed to be taken on record.

6. Heard. This application is premised on the preposition that the LRs of the party substituted after the death of the said party, are bound by the stand/pleadings of said party filed during his lifetime. There is no qualm to this preposition and same has been well settled in catena of cases. In the present matter, during the lifetime of respondent no.8, the respondent no.8&9 have adopted the objections and Affidavit of Admission/Denial submitted by respondent no.2 as reflected in the order dated 21.03.2023. However, thereafter one of his newly impleaded LR i.e. LR no.8A has filed fresh objections alongwith Affidavit of Admission/Denial of the documents. In view of the aforesaid settled preposition of law, the respondent no.8A possesses no legal or equitable right to submit his



independent objections and/or Affidavit of Admission/Denial of the documents after the death of respondent no.8. Accordingly, the same is ordered to be taken off the record. Hence, the captioned IA stands allowed and disposed of.

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7. As per record, Valuation Report dated 13.07.2022 is already on record. Citations have been duly published in newspapers “Jansatta” and “Statesman” both dated 28.01.2022.

8. Pleadings qua respondent no.2,3,4,5,6&10 in the petition are already complete.

9. It is already stated by learned counsel for the respondent no.8A&9 that respondent no.8&9 wants to adopt the reply/objections already filed by the respondent no.2 and also adopt Affidavit of Admission/Denial of documents filed by the respondent no.2.

10. The reply filed by the respondent no.5 & 10 to the objections of respondent no.2&3 was taken on record vide order dated 31.05.2023.

11. Further, the right of respondent no.3 to file rejoinder to the reply of respondent no.5&10 has already been ordered to be closed.

12. The right of respondent no.2 to file rejoinder has already been ordered to be closed.

13. It is already stated by learned counsel for the respondent no.8(A) and 9 that respondent no.8(A) does not wish to file any rejoinder to the reply of respondent no.5&10.

14. As per record, rejoinder on behalf of respondent



no.9 to the reply of respondent no.5&10 to objections of respondent no.2, is on record.

15. The respondent no.8A is again directed to deposit cost of Rs.1000/- with Delhi High Court Legal Services Committee in terms of order dated 15.10.2024 within two weeks and also directed to file proof of cost with the registry, as a last and final opportunity.

16. An application filed by respondent no.5&10 for directions is pending consideration

Re-notify the matter for further proceedings on 23.07.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 22, 2025/ab

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