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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 726/2014
GYAN PRAKASH GUPTA

.....Plaintiff

Through: Mr. Kamal Mohan Gupta,
Mr. Mehraj and Ms. Urvi
Gupta, Advocates.

versus

VIJAY PRAKASH & ORS

.....Defendants

Through: D1 has been proceeded *ex parte* v.o.d. 11.03.2015.
Ms. Archana Gupta,
Advocate for D2 to D11.
None for D13 to D16.
Mr. Shashank Khurana,
Advocate for D18.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEEPAK
DABAS (DHJS)**

ORDER

09.12.2025

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**IA No. 5770/2025 filed by plaintiff seeking condonation
of delay in re-filing IA No. 5769/2025.**

1. D1 has been proceeded *ex parte* vide order dated 11.03.2015.
2. D2 to D11 have no objection qua captioned IA.
3. D13 to D16 also have no objection qua captioned IA.
4. D18 also has no objection qua captioned IA.
5. None has appeared for D12 and even no reply qua captioned IA has been filed by defendant no. 12.
6. As per office noting, proposed LR's of deceased defendant no. 17 have not filed any reply qua captioned



IA.

7. As per contents of captioned IA, there is a delay of 66 days in re-filing IA No. 5769/2025.
8. Keeping in view the totality of facts and circumstances as well as reasons mentioned in captioned IA, the delay in re-filing IA No. 5769/2025 is hereby condoned.
9. Captioned IA stands disposed of accordingly.

IA No. 5769/2025 filed by plaintiff u/O XXII Rule 3 CPC for substitution of LR's of deceased defendant no.17.

1. D1 has been proceeded ex parte vide order dated 11.03.2015.
2. D2 to D11 have no objection qua captioned IA.
3. D13 to D16 also have no objection qua captioned IA.
4. D18 also has no objection qua captioned IA.
5. None has appeared for D12 and even no reply qua captioned IA has been filed by defendant no. 12.
6. As per office noting, proposed LR's of deceased defendant no. 17 have not filed any reply qua captioned IA.
7. Plaintiff has filed present suit for partition. Hence, right to sue survives.
8. The captioned IA has been filed within limitation.
9. Keeping in view the totality of facts and circumstances, captioned IA is hereby allowed and disposed of accordingly.
10. Counsel for plaintiff submits that amended memo of parties has already been filed along with captioned IA. The same be taken on record.



11. Joint request has been made for listing the matter before Hon'ble court as the matter is at the stage of final arguments.
12. Request is allowed.
13. Matter be put up before Hon'ble court on 12.01.2026 for further directions.

**DEEPAK DABAS (DHJS),
JOINT REGISTRAR (JUDICIAL)**

DECEMBER 9, 2025/anj