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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**CS(OS) 1312/2007**

**UJJAL S. MAKKER**

**.....Plaintiff**

Through: Mr. Rahul Sharma, Ms. Jyoti  
Sharma, Mr. Manikant Sharma &  
Ms. Shikha Singh, Advs.

versus

**KAVAL BAJAJ & ORS**

**.....Defendants**

Through: Dr.Sarbjit Sharma, Ms. Laxmi  
Sharma & Ms. Pooja Sharma,  
Advs. for D-1  
Mr. Shivam Gupta, proxy cl. for  
D-3

**CORAM:**

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

**ORDER**

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**07.04.2025**

**IA No.1846/2025 under Order XXII Rule 4 CPC moved  
by the plaintiff for impleadment of LR's of D-2; and  
IA No.1847/2025 under Section 151 CPC moved by the  
plaintiff seeking condonation of delay in filing IA  
no.1846/2024**

1. Learned counsel for the defendant no.3 already submitted that he has no objection to the captioned IAs.
2. As per office note, service report qua notice of captioned IAs issued to proposed LR's of D-2, is awaited. Be awaited for the next date of hearing.
3. As per record, notice of the captioned IAs has already been served upon learned counsel for the defendant no.1. At this learned counsel for the defendant no.1 is present and seeks sometime to file reply. Let reply to the captioned IA be filed by defendant no.1 within two weeks with copy to the opposite side, who is at liberty to file



rejoinder, if any, within one week thereafter with copy to the opposite side.

4. Re-notify the captioned IAs for completion of service qua all the proposed LR's of D-2/completion of pleadings qua D-1/consideration on **14.05.2025**.

**I.A.No.1137/2023 (under Order XI Rule 12 & 14 CPC filed by the plaintiff)**

5. At this stage, learned proxy counsel for defendant no.3 seeks pass over as leading counsel is stated to be in another court. So, the matter is passed over for 12.40 p.m.

At 12.45 p.m.

6. The leading counsel for defendant no.3 is not present today despite seeking pass over in the first call. Learned counsel for the plaintiff strongly submits that defendant no.3 is flouting the repeated orders passed by this court with impunity. In fact, in view of repeated non-compliances on the part of defendant no.3, this court has imposed cost upon the defendant no.3 on 03.07.2024 & 14.08.2024. Further, vide detailed order dated 05.11.2024, the application filed by the defendant no.3 i.e. IA no.14910/2021 seeking deletion under Order I, Rule 10 of CPC was allowed to be withdrawn subject to payment of cost of Rs.50,000/- to the plaintiff by the defendant no.3. The total cost of Rs.60,000/- has also not been paid by defendant no.3 to the plaintiff and cost of Rs.3000/- has also not been deposited with Delhi High Court Legal Services Committee by defendant no.3 till date. Learned counsel for the plaintiff also points out that necessary compliances are to be made by the defendant no.3 and his IA for bringing on record the LR's of D-2 in no way gives any excuse to defendant no.3 for not complying the orders



passed by this court. He also submits that no order passed by this court has been assailed by defendant no.3 till date.

7. Heard. This court cannot ignore the fact that the present matter is pending disposal since the year 2007 and it is needs to be expeditiously disposed of.

7.1. The defendant no.3 is turning blind eye to the repeated judicial orders passed by this court. The cost imposed for ensuring compliance is also not being paid/deposited by the defendant no.3.

7.2. In these circumstances, this court has no other option but to place the matter before the Hon'ble Court for passing appropriate orders/further directions.

8. Accordingly, the captioned IA i.e. IA no.1137/2023 may be placed before the Hon'ble Court on **30.05.2025**, for further directions.

**IA No.13310/2022 (for passing of Preliminary Decree and for directions filed by defendant no.1)**

9. Pleadings are already complete.

10. Re-notify the captioned IA on **14.05.2025**.

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11. Proof of cost of Rs.3000/- filed by the plaintiff is on record.

12. Amended Memo of Parties stated to have been filed by the plaintiff is still not on record. Learned counsel for the plaintiff is directed to take requisite steps to bring the same on record within a week, as a last and final opportunity.

Re-notify the matter for further proceedings on **14.05.2025**.

**PRIYA MAHENDRA (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**APRIL 7, 2025/ab**