



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 330/2018**
ASHOK KUMARPlaintiff

Through: Mr. Rajiv Raheja, Advocate.
versus

MUNNI DEVI (SINCE DECEASED) THROUGH L.RS AND ANR.

....Defendants

Through: Mr. N.P. Joshi and Mr. Sandeep
Sharma, Advocate for Defendant No.
3.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **09.12.2024**

I.A. 44686/2024 (Application under Order IX Rule 7 CPC by defendant no. 3, praying for setting aside of the order dated 05.02.2024)

I.A. 44687/2024 (Application under Section 5 of the Limitation Act for condonation of delay in filing the application under Order IX Rule 7 CPC)

I.A. 44688/2024 (Application under Section 5 of the Limitation Act for condonation of delay in re-filing the application under Order IX Rule 7 CPC)

1. This order is being passed in continuation of order dated 12.11.2024.
2. Learned counsel for the non-applicant/Plaintiff states that he has no objection to the Defendant no. 3 being permitted to join suit proceedings with effect from today.
3. Accordingly, with the consent of the parties Defendant no. 3 is permitted to join the suit proceedings with effect from today.
4. For the reasons stated in the application, the prayer for condonation of delay in I.A. Nos. 44687/2024 and 44688/2024 is hereby allowed without imposing any cost. However, Defendant no 3 is cautioned to remain duly



represented in these proceedings henceforth and in case there is any further default on the part of Defendant no. 3, his right to defence may be struck off.

5. With the aforesaid directions, these applications stand disposed of.

I.A. 42227/2024 (Application under section 5 of the Limitation Act 1963 seeking condonation of delay in filing the application under Order XXII Rule 3 CPC)

I.A. 42228/2024 (Application on behalf of the Proposed legal heirs of late Smt. Dropti Ratawal i.e., Plaintiff no. 4 (a) under Order XXII Rule 3 read with Section 151 CPC seeking permission to bring them on record)

6. Issue notice. Learned counsel for Defendant no. 3 accepts notice. He seeks and is granted four (4) weeks time to file reply.

7. Learned counsel for the Plaintiff is directed to serve the copies of these applications to the learned counsel for defendant no. 3 during the course of the day.

8. List before the Joint Registrar (J) for completion of pleadings on **17.01.2025**. The earlier date i.e. 12.12.2024 stands cancelled.

9. List before the Court for disposal of these applications on **12.03.2025**.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 9, 2024/mr/sk

Click here to check corrigendum, if any