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

+ **CS(OS) 3370/2014**

SATBIR SINGH

.....Plaintiff

Through: Mr. N. Prabhakar and Mr. Uday
Sharma, Advs.

versus

TEJVIR SINGH AND OTHERS

.....Defendants

Through: Mr. Rishi Sood, Mr. Prafull Singh
Chandel, Advs. for D-1 and D-2.
Mr. Swastik Singh and Mr. Shreshtah
Raj Shrivastava, Advs. for D-4 & 5.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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09.02.2026

I.A. 622/2026 (under Section 5 of the Limitation Act for condonation of delay in seeking setting aside of abatement by LR's of plaintiff)

I.A. 621/2026 (application for setting aside of abatement by LR's of plaintiff)

I.A. 620/2026 (under Order XXII Rule 3 read with Section 151 CPC for substitution of LR's of plaintiff)

1. Mr. Swastik Singh, learned counsel appearing on behalf of defendant nos. 4 and 5 submits that they have no objection to the present applications being allowed.
2. In view of the above, the applications are allowed.
3. Consequently, the delay in filing application seeking setting aside of abatement is condoned and the abatement is set aside.
4. Further, the LR's of plaintiff are also substituted in place of the plaintiff.
5. Let amended memo of parties be filed by the plaintiff within a period of one week from today, if not already filed.



6. The applications stand disposed of.

I.A. 3494/2026 (under Order XIV Rule 2 read with Section 151 CPC by D-1 & 2)

7. Mr. Rishi Sood, the learned counsel appearing on behalf of defendant no.1 and 2/applicant submits that issues were framed in the present suit by this Court *vide* order dated 01.08.2025 and one of the issues framed was- *whether the present suit is barred under Section 185 of the Delhi Reforms Act, 1954? OPD*

8. He submits that since the present suit itself can be disposed of on the aforesaid issue, which is an issue of law, the same may be treated as preliminary issue in terms of Order XIV Rule 2(2) CPC.

9. Mr. N. Prabhakar, learned counsel appearing on behalf of plaintiff/non-applicant submits that he does not have any objection in case the said issue is treated as preliminary issue.

10. In view of the above, the application is allowed.

11. Accordingly, the above issue shall be treated as preliminary issue.

12. The application stands disposed of.

CS(OS) 3370/2014

13. List for hearing on above preliminary issue on 07.07.2026.

14. Let the parties file short note of their submissions confined to the preliminary issue within a period of four weeks along with the judgments they seek to rely upon.

VIKAS MAHAJAN, J

FEBRUARY 9, 2026/N.S. ASWAL