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

+ **CS(OS) 150/2010**

KAMAL KUMAR NEWAR

..... Plaintiff

Through: Plaintiff in person

versus

NAND KUMAR NEWAR & ORS

..... Defendants

Through: Mr. Avneesh Garg and Ms. Srika
Selvam, Advs. for D-3 & 4

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER NAIN
(DHJS)**

ORDER

16.11.2022

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Pass over sought by plaintiff on the ground that counsel is busy in
another court.

Put up at 11.30 am.

**DEVENDER NAIN (DHJS),
JOINT REGISTRAR (JUDICIAL)**

At 11.45 am

Present: Mr. Ashok
Gurnani, Adv. for
plaintiff
None for defendants

None is present on behalf of defendants.

Put up at 12.30 pm.

**DEVENDER NAIN (DHJS),
JOINT REGISTRAR (JUDICIAL)**



Present: Mr. Ashok
Gurnani, Adv. for
plaintiff
Mr. Avneesh Garg,
Advs. for D-3 & 4
(through VC)

At 12.45 am

CS(OS) 150/2010

It is submitted by counsel for plaintiff that publication in terms of order dated 03.11.2022 has been done and has filed hard copy of the same during the proceeding of the court.

Submissions of counsel for plaintiff heard. As per report, proposed LR's of deceased defendant no. 9-A, 9-B, 9-C, 9-D, 9-E and 9-F have been served. However none appeared on behalf of proposed LR's of deceased defendant no. 9-A, 9-B, 9-C, 9-D, 9-E and 9-F despite due service and repeated calls. Both the newspapers have been filed.

IA No. 8474/2022

As per office report, service report of the notice of the above said application issued to defendant nos. 1 to 8 is awaited through ordinary mode and through speed post defendant nos. 1 to 4 and 7 have been served but service report of defendant nos. 5, 6 and 8 are awaited, defendant no. 9-A, 9-B, 9-C, 9-D, 9-E and 9-F have been served, defendant no.11 served, defendant nos. 1 and 2 served through speed post and defendant nos. 3 and 4 through speed post is awaited.

Submissions of learned counsel for plaintiff heard regarding delay of 66 days in re-filing the application under Order XXII R.4 (4) r/w section 151 CPC. It is submitted by learned counsel for defendant nos.



3 and 4 that he has no objection if the above said application is allowed. Considering the submissions and considering the grounds mentioned in the application, same is hereby allowed. The delay in re-filing the application under Order XXII R.4 (4) r/w section 151 CPC of 66 days is hereby condoned. The application stands disposed of.

IA No. 8473/2022

Submissions heard. Grounds mentioned in the application perused very carefully. None appeared on behalf of LR's of deceased defendant no. 9-A, 9-B, 9-C, 9-D, 9-E and 9-F despite due service and repeated calls. It is submitted by learned counsel for defendant nos. 3 and 4 that he has no objection if the above said application is allowed. In these circumstances, considering the grounds mentioned in the application, the present application is hereby allowed. LR's of deceased defendant nos. 9 be impleaded as party as per amended memo of parties. Amended memo of parties taken on record.

Since none appeared on behalf of LR's of deceased defendant no. 9-A, 9-B, 9-C, 9-D, 9-E and 9-F despite due service and repeated opportunities given, let the present matter be placed before the Hon'ble Court for further directions on the date already fixed there i.e. 17.11.2022.

**DEVENDER NAIN (DHJS),
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 16, 2022/cd