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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 150/2010

KAMAL KUMAR NEWAR

.....Plaintiff

Through: Mr. Ashok Gurmani, Adv.
(Mob.9810109039)

versus

NAND KUMAR NEWAR & ORS

.....Defendants

Through: Ms. Avneesh Garg, Mr. Harsh
Pal & Ms. Iptisha, Advs. for
D-3&4

CORAM:

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

ORDER

% **29.08.2024**

**I.A. 31842/2024 (under Order XXII Rule 4 read with
Section 151 CPC by the plaintiff seeking substitution of
the legal representatives of Late Kirti Kumar Newar,
one of the legal representative of the defendant no.8,
namely, Late Shiv Mohan Newar)**

1. Learned counsel for the defendant no.3&4 seeks
sometime to file reply. At request, let reply to the
captioned IA be filed by defendant no.3&4 within three
weeks with copy to the opposite side, who is at liberty to
file rejoinder, if any, within two weeks thereafter with
copy to the opposite side.

2. Let reply, if any, to the captioned IA be filed by
defendant no.1 within three weeks with copy to the
opposite side, who is at liberty to file rejoinder, if any,
within two weeks thereafter with copy to the opposite side.

3. As per office note, defendant no.2&11 have been
served with notice of captioned IA. Let reply to the
captioned IA be filed by defendant no.2&11 within three
weeks with copy to the opposite side, who is at liberty to
file rejoinder, if any, within two weeks thereafter with
copy to the opposite side.



4. Service report qua notice issued to defendant no.10 received back un-served with report 'expired'. At this stage, learned counsel for the plaintiff has drawn my attention towards the order dated 10.09.2018 whereby, the plaintiff was exempted to bring on record the LRs of deceased defendant no.10.

5. Learned counsel for the plaintiff is directed to file Affidavit of Service qua service of proposed LRs of deceased defendant no.8 and other un-served defendants.

Re-notify the captioned IA for completion of pleadings on the next date of hearing.

IA No. 5256/2013 u/s 151 CPC by plaintiff

6. Pleadings are already complete qua defendant no.1. It is stated by learned counsel for the applicant/plaintiff that the captioned IA only pertains to defendant no.1.

Re-notify the captioned IA on the next date of hearing.

IA No. 342/2014 u/O 40 R.1 CPC by defendant no.3&4

7. As per record, separate Replies to the captioned IA filed by defendant nos. 1 and 2 & plaintiff, are already on record but rejoinder to the same has not been filed by the applicants/defendant no.3&4 till date. So, the right of the applicants/defendant no.3&4 to file rejoinder is ordered to be closed.

8. It is stated by learned counsel for the plaintiff that only defendant no.1 and defendant no.3&4 are contesting the present matter.

Re-notify the captioned IA on the next date of hearing.

IA No. 275/2018 u/O XXXIX R.2A CPC by defendant nos. 3&4



9. Pleadings qua defendant no.1 are already complete.
10. At this stage, it is stated by learned counsel for the plaintiff that he does not wish to file any reply to the captioned IA.

Thus, pleadings qua captioned IA are complete.

Re-notify the captioned IA on the next date of hearing.

IA No. 3501/2018 u/O XXXIX R.1 & 2 CPC by plaintiff

11. As per record, reply of defendant no.1 and LRs of defendant no.8 (B) (C), 5 (E) and (F) are on record. Learned counsel for the plaintiff seeks sometime to file rejoinder to the same. At request, the last and final opportunity is granted to the plaintiff to file rejoinder within two weeks with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on the next date of hearing.

IA No. 4819/2018 u/s 10 CPC by defendant no.1

12. Pleadings are already complete.

Re-notify the captioned IA on the next date of hearing.

IA No. 14798/2018 u/s 151 CPC by defendant nos.3 & 4 for consolidation of the present suit with CS (OS) 362/2009

13. It is stated by learned counsel for the plaintiff that CS(OS) 362/2009 is already at the stage of final arguments and hence, the captioned IA is not maintainable at this stage. Learned counsel for the applicant seeks sometime to take instruction in this regard.

At request, re-notify the captioned IA on the next date of hearing.

IA No. 9232/2023 u/O XXII R.4 (4) CPC seeking exemption from bringing on record LR's of defendant



no.6 and in the alternative, u/O XXII R.4 CPC for bringing the LR's of defendant no.6

14. No reply to the captioned IA has been filed by defendant no.1. None is present on behalf of defendant no.1 today to explain in this regard. So, the right of defendant no.1 to file reply is ordered to be closed.

15. It is stated by learned counsel for the defendant no.3&4 that she has no objection to the captioned IA.

16. As per office note, defendnat no.2,6A,6B, 8H, 9A to 9E, 9H and D-11 have been served through ordinary process and defendant no.8E, 9F & 10 have been served through Speed Post process. Let reply, if any, to the captioned IA be filed by the aforesaid served defendants within three weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

17. Further, defendnat no.8C & 8G remained un-served and service report qua defendant no.8A, 8B, 8D & 8F is awaited. Be awaited for the next date of hearing. Learned counsel for the applicant is directed to file Affidavit of Service qua service of un-served defendants.

Re-notify the captioned IA for completion of service qua un-served defendants/pleadings on 04.11.2024.

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18. The order dated 01.04.2024 records that Written statement has been filed by defendant nos.1,2,3, 4 & 8. Replication to written statement of defendant no.1,2,3, 4 & 8 are on record. However, Affidavit of Admission/Denial of the documents are not filed by the parties in compliance of order dated 01.04.2024. Last and final opportunity is granted for the same.



19. Further, it records that no written statement has been filed by defendant nos. 5 to 7 & 9 to 11.

Re-notify the matter for further proceedings on 04.11.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
AUGUST 29, 2024/ab
Click here to check corrigendum, if any