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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 150/2010

KAMAL KUMAR NEWAR

.....Plaintiff

Through: Mr. Ashok Gurnani & Mr.
Abhishek Singh, Advs.
(Mob.9810109039)

versus

NAND KUMAR NEWAR & ORS

.....Defendants

Through: Ms. Savita Rustogi, Adv. for D-1
(joined through VC)
Mr. Harsh Pal, Adv. for D-3&4
(joined through VC)

CORAM:

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

ORDER

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20.05.2025

**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 ; and**

**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
(8B), one of the legal representative of the defendant
no.8, namely, Late Shiv Mohan Newar)**

1. As per office note, proof of previous cost previous cost of Rs.25000/- as imposed vide order dated 18.03.2025 filed by the plaintiff is on record.
2. The right of defendant no.1 to file reply qua IA no.9232/2023 has already been ordered to be closed.
3. It is already stated by learned counsel for defendant no.1 that he does not wish to file any reply to IA No.31842/2024.
4. It is already stated by learned counsel for the defendant no.3&4 that she has no objection to the captioned IAs.
5. The right of defendants no.2,6A,6B, 8E, 8H, 9A to



9F, 9H, D-10&D-11 to the reply to IA no.9232/2023 has already been ordered to be closed.

6. The right of said defendants no.2&11 to file reply to IA no.31842/2024 has already been ordered to be closed.

7. It is stated by learned counsel for the plaintiff that he had already filed an application qua substituted service of surviving LR's of deceased defendant no.8 as well as other un-served defendants but it was withdrawn due to technical flaws in the said IA. He concedes that fresh application qua substituted service of surviving LR's of deceased defendant no.8 as well as other un-served defendants has been filed only today vide diary no.E-513746/2025. It be noted that vide order dated 18.03.2025, the plaintiff was granted two weeks' time to file the requisite application but admittedly, the said application has been filed only today for which no plausible explanation is furnished by learned counsel for the plaintiff. The said application is also not on record. So, cost of Rs.2000/- is imposed upon the plaintiff to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to the plaintiff to take requisite steps to bring it on record.

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

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

9. Pleadings are already complete.

10. At this stage, it is brought to my notice that there is a typographical error in para no.8 of the order dated 18.03.2025. The date mentioned in the said para i.e. 18.11.2029 be read as 18.11.2019. At request of learned counsel for the defendant no.3&4, the last and final



opportunity is granted to defendant no.3&4 to apprise the court whether the order dated 18.11.2019 has been complied with by defendant no.1 and defendant no.3&4 or whether the defendant no.3&4 want to pursue the captioned IA further.

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

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

12. It is stated by learned counsel for the plaintiff that pleadings qua captioned IA are complete.

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13. As per office note, proof of previous cost previous cost of Rs.2000/- as imposed vide order dated 18.03.2025 filed by the plaintiff is on record.

14. It is stated by learned counsel for the plaintiff that he had already filed an application qua substituted service of surviving LRs of deceased defendant no.8 as well as other un-served defendants but it was withdrawn due to technical flaws in the said IA. He concedes that fresh application qua substituted service of surviving LRs of deceased defendant no.8 as well as other un-served defendants has been filed only today vide diary no.E-513746/2025. It be noted that vide order dated 18.03.2025, the plaintiff was granted two weeks' time to file the requisite application but admittedly, the said application has been filed only today for which no plausible explanation is furnished by learned counsel for the plaintiff. The said application is also not on record. So, cost of Rs.2000/- is imposed upon the plaintiff to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to



the plaintiff to take requisite steps to bring it on record.

15. 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.

16. It is stated by learned counsel for the plaintiff that he has already filed revised Affidavit of Admission/Denial of the documents in compliance of the order dated 01.04.2024 today itself vide diary no.513746 as the earlier one filed by him was having deficiencies. The same is lying under objections, as per office note. At request, copy of the said revised Affidavit of Admission/Denial of the documents be supplied to the opposite side within one week through e-mail.

17. At this stage, it is brought to my notice that there is a typographical error in para no.15&16 of the order dated 18.03.2025. The date mentioned therein as 29.08.2025 be read as 29.08.2024.

18. The right of defendant no.3&4 to file Admission/Denial Affidavit was ordered to be closed vide order dated 18.03.2025.

19. The defendant no.1 has not deposited the cost of Rs.5000/- as imposed vide order dated 18.03.2025 with Delhi High Court Legal Services Committee till date. Learned counsel for the defendant no.1 again seeks sometime to inspect the file and apprise the court regarding filing of Affidavit of Admission/Denial of the documents in compliance of the order dated 01.04.2024. In the interest of justice, no adverse order is being passed today and one more opportunity is granted to defendant no.1 in this



regard. The defendant  also directed to deposit said cost of Rs.5000/- within two weeks and also file its proof of cost with the registry.

20. The right of defendant nos. 5 to 7 & 9 to 11 to file Written Statement has already been ordered to be forfeited.

Re-notify the matter for further proceedings on 09.09.2025.

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

MAY 20, 2025/ab

[Click here to check corrigendum, if any](#)