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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, Adv. (Mob.
9810109039).

Versus

NAND KUMAR NEWAR & ORS

.....Defendants

Through: Ms. Savita Rustogi, Adv. for
D-1.

None for D-3&4.

D-6&8 have expired.

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PREETI
PAREWA, (DHJS)**

ORDER

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28.01.2026

**I.A. No. 9232/2023 under Order XXII Rule 4 (4) of
CPC seeking exemption from bringing on record LR's
of defendant no.6 and in the alternative, under Order
XXII Rule 4 of CPC for bringing the LR's of defendant
no. 6 ; and**

**I.A. No. 31842/2024 under Order XXII Rule 4 read
with Section 151 of CPC moved on behalf of 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. The right of defendant no.1 to file reply qua IA no.9232/2023 has already been directed to be closed.
2. It has already been stated by learned counsel for defendant no.1 that he does not wish to file any reply to IA No.31842/2024.
3. It has already been stated by learned counsel for the defendant no.3&4 that she has no objection to the captioned IAs.



4. The right of defendants no.2,6A,6B, 8E, 8H, 9A to 9F, 9H, D-10&D-11 to file reply to IA no.9232/2023 has already been directed to be closed.

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

6. No reply has been filed on behalf of defendant no. 3,4,5&7, LR no. 6(A) & 6(B) of defendant no. 6, LRs of defendant no. 8 i.e. 8B(i) to 8B(iv) and LRs of defendant no. 9 i.e. 9A to 9F. Right of the said defendants to file reply to the above captioned IAs is hereby closed.

7. Submissions on both the above captioned IAs have been heard.

8. Learned counsel for the applicant/plaintiff has drawn the attention of the Court towards the order dated 17.11.2022 passed by the Hon'ble Court.

9. In view of the submissions and considering that the present suit is a suit for partition, LRs of deceased defendant no. 6/Ms. Rekha Goyal and the LRs of deceased defendant no. 8B/Mr. Kirti Kumar Newar are hereby impleaded in the present suit. Amended Memo of Parties be taken on record. Let the needful be done by the plaintiff to bring the Amended Memo of Parties on record, before the next date of hearing.

10. Both the above captioned IAs stand **disposed of** accordingly.

IA No. 275/2018 under Order XXXIX Rule 2A of CPC moved on behalf of defendant nos. 3&4.

11. **Pleadings are already complete.**

12. None is present on behalf of defendant no.3&4 to apprise the Court regarding of complicate of para no.4&5 of order dated 18.11.2019 by Defendant no.1 and



Defendant no.3&4 and further that whether the applicants/Defendant no.3&4 wish to pursue the captioned IA further.

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

IA No. 3501/2018 under Order XXXIX Rule 1 & 2 of CPC moved on behalf of plaintiff.

14. **Pleadings qua captioned IA are already complete.**

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

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16. **Pleadings qua defendant no.1,2,3,4&8 are already complete.**

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

18. As per record, the revised Affidavit of Admission/Denial of the documents filed by the plaintiff, Affidavit of Admission/Denial of documents filed on behalf of defendant no. 1 and the Joint Schedule of documents are already on record.

19. The right of defendant no.3&4 to file Revised Affidavit of Admission/Denial of documents was directed to be closed vide order dated 18.03.2025.

20. As per office note, proof of cost of Rs. 5,000/- has been filed on behalf of defendant no. 1. Learned counsel for the defendant no. 1 submits that the said cost was imposed as it was noted that the Affidavit of Admission/Denial of documents had not been filed, however the same has been filed in the year 2016 itself.



Considering the submissions, the previous cost of Rs. 5,000/- imposed upon the defendant no. 1, to be deposited with Delhi High Court Legal Services Committee, vide order dated 18.03.2025 is hereby waived of.

21. Vide separate order of even date, the LR's of deceased defendant no. 6/Ms. Rekha Goyal and the LR's of deceased defendant no. 8B/Mr. Kirti Kumar Newar have been taken on record.

22. As per record, documents have been filed by defendant no. 1,3&4 only along with their respective Written Statements.

23. The plaintiff is directed to file the physical copy Joint Schedule of documents, before the next date of hearing.

24. Re-notify the matter for marking of the exhibits to the documents on 27.04.2026.

PREETI PAREWA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 28, 2026/bs