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

+ **CS(OS) 13/2018**

KRISHNA NAGPAL AND ORS

..... Plaintiffs

Through: Mr. Surendra Kumar, Adv for P-3 & 5
(9910860320) (surendra.law@
gmail.com)

versus

SANJAY NAGPAL AND ORS

..... Defendants

Through: Mr Deepak Kr Sharma, Adv for D1
(9891674861) (attorneydeep
@gmail.com)

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

% **27.02.2023**

**IA No 12615/2019 (U /O 8 Rule 1 CPC filed by D-1 seeking
condonation of delay of 68 days in filing written statement)**

IA is kept in abeyance till further orders.

CS(OS) 13/2018

PF not re-filed for service of D-2,4 to 6,8 &9.

No application for impleadment of the LRs of Plaintiff No.1 has been filed. At this stage, learned counsel for plaintiff No.3 & 5 submits that LRs of deceased plaintiff No.1 are already on record and therefore, plaintiff No.1 be deleted from the array of parties.

Submissions not opposed by learned counsel for defendant No.1.



In view of submissions made above, plaintiff No.1 stands deleted from the array of parties.

Learned counsel for plaintiff No. 3 & 5 further submits that plaintiff No.4 has also expired and he will be taking appropriate steps for impleadment of LRs. However, learned counsel for defendant No.1 submits that plaintiff No.4 had already expired one year back. Submissions made by learned counsel for D1 are noted accordingly.

Learned counsel for plaintiff No.3 & 5 has apprised that vide order dated 23.08.2022, the suit was abated against defendant No.3 & 5 whereas D3 & 7 had expired and not D5. He further submits that defendant No.5 is yet to be served. His submissions are noted accordingly. The order dated 23.08.2022 stands rectified in this regard.

Record shows that steps have not been taken by plaintiff since last several dates. In the interest of justice, one last and final opportunity is granted to plaintiff to take appropriate steps for service of unserved defendants in terms of previous order within two weeks, subject to cost of Rs 20,000/- which shall be deposited with Delhi High Court Legal Services Committee by plaintiff.

Let proof of cost be furnished alongwith PF.

Put up for consideration of service report qua unserved defendant Nos. 2, 4 to 6, 8 &9 and consideration of IA No. 12615/2019 on 22.05.2023.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

FEBRUARY 27, 2023
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