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

+ CS(OS) 13/2018

KRISHNA NAGPAL AND ORS

..... Plaintiff

Through: Mr. Rajender Agarwal, Adv. For
P-2 & P-4a & 4B (Mobile
No.9810651681)

Mr. Vivek Vidyarthi, Mr.
Suvigya Vidyarthi, Mr. Sarvagya
Vidyarthi, Mr. Nischay
Chaudhary & Mr. Apoorva
Singh, Advs. for P-3 & 5

versus

SANJAY NAGPAL AND ORS

..... Defendant

Through: Mr. Pramod Dayal & Mr. Rakesh
Kumar, Adv. for D-1 (Mobile
No.9810140004)

Suit stands abated qua D-3 & 7
vide order dated 23/08/2022

Mr. Sanyat Lodha, Adv. for D-8
& 9

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

23.07.2025

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**I.A.No.6948/2025 (under Order 11 Rule 1 r/w Section
151 CPC filed on behalf of plaintiff nos.3 & 5 seeking
discovery of interrogatories from defendant no.1);**

**I.A.No.6949/2025 (for condonation of delay in filing IA
No.6948/2025)**

**I.A.No.6950/2025 (under Order XI Rule 14 and Order
XII Rule 8 r/w Section 151 CPC filed on behalf of
plaintiff nos.3 & 5 seeking directions to the defendant**



no.1 to produce original documents purportedly in his possession);

I.A.No.6951/2025 (for condonation of delay in filing IA No.6950/2025)

I.A.No.6952/2025 (under Order I Rule 10 r/w Section 151 CPC filed on behalf of plaintiff nos.3 & 5 seeking deletion of names of plaintiff nos.2 & 4) &

I.A.No.6953/2025 (for condonation of delay in filing IA No.6952/2025)

1. No reply to the captioned IAs has been filed.

I.A.No.12615/2019 (under Order VIII Rule 1 CPC filed on behalf of defendant no.1 seeking condonation of delay in filing the written statement)

2. Learned counsels for the parties seek some more time to clarify about the captioned IA.

I.A. No. 5294/2023(Application on behalf of plaintiff nos.3 and 5 under Order XXII Rule 9 read with Order XXII Rule 2 and Order XXII Rule 4 CPC, 1908 r/w Section 151 CPC for setting aside abatement qua defendant nos. 3 and 7 and for impleadment of legal heirs of defendant no.3 (Rakesh Nagpal) and for causing an entry of the demise of the defendant no.7, i.e., Sh. Ravi Narang to be made on the records of the case in terms of Order XXII Rule 2 CPC and proceed with the adjudication of the above titled suit) &

I.A. No. 5295/2023(Application on behalf of the plaintiff nos. 3 and 5 under Section 5 of the Limitation Act, 1963 for condonation of delay in filing the application Order XXII Rule 9 read with Order XXII Rule 2 and Order XXII Rule 4 CPC, 1908 r/w Section 151 CPC)

3. Reply to the captioned IAs has been filed on behalf of defendant no.1 as well as by defendant nos.8 & 9.

4. Reply to the captioned IAs have also been filed on behalf of the defendant no.1.



5. No rejoinder has been filed.
6. Learned counsel for defendant no.1 submits that the present suit has been abated qua defendant no.3 & 7 and the captioned IAs for setting aside of abatement can only be decided by the Hon'ble Court.

CS(OS) 13/2018 & I.A.No.629/2018 (under Order XXXIX Rule 1 & 2 CPC)

7. Vide order dated 21/03/2025, the Hon'ble Court has directed to summarize the status of the service on the parties and the status of pleadings qua the parties who have been served.
8. Perusal of record shows that there are 9 defendants in the present case. Vide order dated 10/05/2019, the Hon'ble Court directed to take the amended plaint on record. Learned counsel for defendant no.1 appeared on 10/5/2019 and sought time to file written statement.
9. It is observed in the order dated 06/05/2022 that the defendant no.3 passed away on 23/02/2019 and the defendant no.7 also passed away on 28/12/2020. Thereafter, the plaintiff nos.3 & 5 have moved applications bearing IA No.5294/2023 for setting aside the abatement qua defendant no.3 & 7, which is still pending consideration.
10. Defendant nos.2, 5, 8 & 9 were also served as observed in the order dated 22/05/2023. Now only defendant nos.4 & 6 remain to be served in the present case.
11. Further perusal of record shows that only defendant no.1 has filed written statement and affidavit of admission/denial, which are yet to be taken on record as there is an application bearing IA No.12615/2019 is



pending consideration.

12. Learned counsels for the parties submit that the matter may be placed before the Hon'ble Court and they will make appropriate submissions before the Hon'ble Court.
13. At joint request, list the matter before the Hon'ble Court for further directions on **28th July, 2025**.

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 23, 2025/nk

Click here to check corrigendum, if any