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

+ CS(OS) 13/2018

**KRISHNA NAGPAL AND ORS**

..... Plaintiff

Through: Mr. Vivek Vidyarathi, Adv.  
(appeared through VC) Mr.  
Sugriva Vidyarathi, Mr. Vikram  
Bhaskar, Sarvagya Vidyarathi,  
Mr. Shivam Bajpai & Mr.  
Nischay Chaudhary, Advs. for P-  
3 & 5

versus

**SANJAY NAGPAL AND ORS**

..... Defendant

Through: Mr. Sanjay Goyal & Ms. Shruti  
Bansal, Advs. for D-1 with D-1  
in person  
Suit stands abate qua D-3 & 5  
vide order dated 23/08/2022  
Mr. Sanyat Lodha, Adv.  
(appeared through VC) & Ms.  
Shivani Mehta, Adv. for D-8 & 9

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

**ORDER**

**10.12.2024**

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**I.A. No. 17648/2023(Application behalf of defendant no.1 under Section 151 of CPC read with Section 5 of Limitation Act for condonation of delay of 103 days in filing the reply to application under Order XXII Rule 9 read with Order XXII Rule 2 and Order XXII Rule 4 read with Section 151 of CPC and application under Section 5 of Limitation Act filed on behalf of plaintiff no.3 and 5)**

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



2. Learned counsel for the plaintiff submits that he has no objection, if the captioned IA is allowed.
3. Heard. Record perused.
4. In view of the averments made in the captioned IA and also in view of the no objection furnished by learned counsel for the plaintiff, the captioned IA is allowed. Delay in filing reply to IA No.5294/2023 & IA No.5295/2024 on behalf of defendant no.1 is condoned and the same is taken on record.
5. IA stands disposed of.

**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)**

6. Reply to the captioned IAs has been filed on behalf of defendant no.1 as well as by defendant nos.8 & 9.
7. Reply to the captioned IAs filed on behalf of the defendant no.1 are taken on record today.
8. Learned counsel for plaintiff seeks time to file rejoinder.
9. Let rejoinder be filed within four weeks with advance copy to the opposite side.



**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)**

10.Learned counsels for the parties seek time to clarify about the captioned IA.

11.Re-notify the captioned IA for clarifications/consideration on the next date of hearing.

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

12.As per office note, vakalatnama has been filed on behalf of plaintiff no.3 & 5.

13.Applications for setting aside of the abatement and condonation of delay in filing written statement are pending for consideration.

14.Re-notify the matter for completion of pleadings and admission/denial of documents on **18<sup>th</sup> March, 2025**.

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

**DECEMBER 10, 2024/nk**

*Click here to check corrigendum, if any*