

27.07.2024

CS No. 10164/16
Jag Mohan vs. Girdhari Lal

Present: Plaintiff no. 2(a) a/w Ayush Sharma in person.
Ms. Gaurangi Khanna, Ld. Counsel for the defendant no. 1(c)(a) to 1(c) (d) through VC.
Sh. Shrivats Kaushal, Ld. Counsel for the defendant no. 2(a) (b) and 3(b) and (c).
Sh. S.S Jain, Ld. Counsel for the Lrs of defendant no. 10.
Sh. Shirabh Yadav, Ld. Counsel for the Lrs of defendant no. 11.

Ld. Counsel for the defendant no. 2(b) and 3(b) has filed Vakalatnama.

All the parties have requested that since the record is extremely bulky and the matter being 52 years old, a digitization of the court record is required.

The court is also of the considered view that keeping in view the fact that the record of the matter being extremely bulky, it would be appropriate to request the digitization committee/cell requesting the out of turn digitization of the oldest case of the court.

The Ahlmad of the court is directed to take up the present matter before the Digitization Committee/Cell alongwith the copy of the order passed today for the purposes of getting the record of the present case digitized.

The matter as per the submissions made by the appearing counsels is for passing of a final decree pursuant to the passing of the preliminary decree on 02.01.1980.

It is also submitted by the parties that in as much as three Local Commissioners have been appointed in the present matter however, to one of the order dated 19.12.2013 ordering the property to be remeasured, objections have been filed by plaintiff no. 2 to the site plan submitted by the architect of defendant no. 10.

The said objection is stated to be pending.

It is further submitted by the parties that during the pendency of the present suit due to several deaths, various LRs have either not been brought on record or are yet to be served and two applications for bringing the LRs of two applications i.e. 01.05.2019 and 17.12.2022 for bringing the LRs of defendant no. 1(b) and for impleading the Lrs of defendant no. 4 are pending.

It is further submitted by the parties that another application dated 07.07.2023 for ascertaining the LRs of the defendants has been filed by the plaintiff and the same is also pending.

It is further submitted by the parties that another application dated 14.09.2012 filed by defendant no. 10(a) to (d) to delete the series of people is also pending.

Be that as it may, from the aforesaid, one thing is clear that there is no clarity with respect to the status of the plaintiff and also their LRs and of the status of the defendants and their LRs.

The plaintiffs as well as the defendants are directed to place on record a detailed pedigree Chart showing the status of the plaintiffs as well as the defendants and also the LRs of the plaintiffs and the defendants who pursuant to the long passage of time are a necessary and a proper party to the suit.

The plaintiffs as well as the defendants are directed to exchange the copy of the pedigree chart directed to be filed today amongst themselves to take necessary steps in accordance with law to either implead or delete the necessary parties to the suit consequent upon the demise of the plaintiffs as well as the defendants.

The parties are also directed to apprise the court with respect to the status of the service/non-service of their respective LRs.

The parties are also directed to apprise the court with respect to other pending applications in the present matter giving the list to the court.

It is submitted by the parties that an application under Section 151 CPC has been filed by Urban Improvement Company Pvt Ltd. However copies of the same have not been provided to any of the contesting parties.

The applicant i.e. Urban Improvement Company Pvt Ltd is directed to supply the copy filed by it to all the parties within seven days from today who may file a reply thereto before the NDOH.

Renotify the matter for further proceedings including issuance of notices to the unserved Lrs of the plaintiffs/defendants on **24.08.2024 at 2:00 PM.**

It is made clear to the parties that since the process of digitization takes time hence no adjournment shall be granted for compliance of the order passed today.

Sachin Sood
DJ-01, Central, THC
27.07.2024