

1 CS DJ No. 12934/16  
GURCHARAN SINGH Vs. INDERJEET SINGH

02.05.2026

Present: Mr. Abhishek Gupta and Ms. Mandakini, Ld. Counsels for the plaintiff No.1(A).  
Ms. Prachi Kohli, Ld. Counsel for the plaintiff No.1B.  
Mr. Naveen Sharma, Ld. Counsel for the defendants No.2, 3A, 3B and 4.  
Mr. Govind Singh and Mr. Pragya Singh, Ld. Counsel for the defendants No.1.

Ld. Counsel for plaintiff No.1(B) has filed on record an application under Order XXII Rule 9 r/w Order XXII Rule 4 CPC seeking setting aside of the order dated 08.04.2026, whereby, in view of the non-filing of the application seeking impleadment of LRs of defendant No. 5, the suit as ordered stood abated against the said LRs.

Ld. Counsel for the plaintiff No.1 (B) submits that defendant No. 5 had expired on 12.07.2025 and the application for substituting the LRs of defendant No. 5, could not be filed prior to the order dated 08.04.2026, since it was only on 24.03.2026 that the Ld. Counsel for defendants No.2, 3A, 3B and 4 had provided the details one of the LRs of defendant No.5. It is thus submitted that, there has been sufficient cause in not impleading the LRs of defendant No. 5 and an application under Section 5 of The Limitation Act seeking condonation of delay has also been filed. Copy of the said applications have been supplied to Ld. Counsels appearing for defendants No. 2, 3A, 3B and 4 and defendant No.1. Ld. Counsels appearing on behalf of defendant No.1 and defendant No.2, 3A, 3B and 4, submits that they have no objection, in case, the present application is allowed since the present suit for partition in which the rights of each of the defendants including defendant No. 5 have to be adjudicated.

In view of the aforesaid, the applications **under Section 5 of The Limitation Act as well as under Section XXII Rule 9 r/w Order XXII Rule 4 CPC are allowed and abatement qua defendant No. 5 as recorded vide order dated 08.04.2026 is set aside.**

**Let notice of the application under Order XXII Rule 4 CPC seeking impleadment of LRs of defendant No. 5 be issued upon the LRs of defendant No. 5 for the NDOH upon the plaintiff taking steps on filing PF and speed post as per rules. The plaintiff is at liberty to serve the said LRs of defendant No. 5 through electronic mode through the Nazarat Branch on filing of affidavit stating the Email including Whatsapp number belongs to the LRs of defendant No. 5.**

An application under Order XXII Rule 3 CPC r/w Section 151 CPC alongwith copy of death certificate plaintiff No.1(A) has been moved on behalf of LRs of plaintiff No.1(A) seeking substitution of the LRs of the plaintiff No.1(A). It is submitted by Ld. Counsel for plaintiff No.1A that the said plaintiff has expired on 12.04.2026 and it is submitted that the said plaintiff No.1A is survived by Mrs. Sabina Kaur (wife), Ms. Gunmeet Kaur Mohindra (daughter), Ms. Ashima Kaur Mohindra (daughter) and Mr. Jaspreet Singh Mohindra (son). One of the LRs of plaintiff No.1A i.e. Mrs. Sabina Kaur (wife) is present in the Court today and she submits that besides the aforesaid persons plaintiff No.1A is not survived by any other legal heirs and it is also submitted that she is representing her daughters and son. Ld. Counsel for the plaintiff No.1A submits that he is representing all the LRs of deceased plaintiff No.1A. Ld. Counsel for the defendants submit that they have no objection, in case, the said application is allowed.

**In view of the aforesaid, the application under Order XXII Rule 3 CPC r/w Section 151 CPC seeking substitution of the LRs of the plaintiff No.1(A) is allowed and the four LRs of plaintiff No.1A are impleaded in the present suit since right to sue survives in their favour. Mrs. Sabina Kaur submits that she**

would be filing the vakalatnama in favour of counsel for plaintiff No.1A togetherwith the authority on behalf of her children authorizing her to represent them in the present suit.

Ld Counsel for the plaintiffs are directed to file Amended Memo of Parties on or before NDOH.

List the matter on **23.05.2026 at 12.30 PM** for service of the LRs of the deceased defendant No. 5 and for arguments on the application seeking amendment of preliminary decree dated 28.04.2000 as amended vide order dated 02.08.2016.

(Sachin Sood)  
DJ-01 (Central)  
THC, Delhi/02.05.2026