

In The Court of Virender Kumar Goyal
Additional District Judge-01 (East)
Karkardooma Courts, Delhi

PC No.2/16/13

In the matter of :-

Surender Kumar Goel

.....Petitioner

Versus

State & Ors.

.....Respondents

ORDER

25.11.2016

1. Vide this order I shall dispose off an application U/o 22 rule 4 r/w/s 151 CPC, filed by the petitioners, for bringing on record the legal heirs of deceased respondent No.4.
2. Brief facts of the case are that petitioners have filed the present petition for probate of WILL dated 31.12.2001 executed by late Sh. Anand Prakash Goel in their favour.
3. It is averred in the application under consideration that during the pendency of present petition, respondent No.4 Smt. Veena Baghri expired, then, application U/o 22 rule 4 CPC was filed, to which, respondent No.3 has filed reply, wherein he has disclosed names of other LR's of respondent No.4. While passing order on 27.10.2014, court directed respondent No.3 to furnish names and addresses of other LR's of respondent No.4 for issuance of summons to them. The petitioners had filed process, summons were issued and served upon the LR's, but, on the last date of hearing, counsel for respondent No.3 has taken the objection that petitioners have not filed amended application U/o 22 rule 4 CPC after receiving details of LR's of respondent No.4. As per knowledge of petitioners and information

furnished by respondent No.3, respondent No.4 is survived by following legal heirs as under :-

- i) Naresh Baghri-Husband
- ii) Ms. Swati Baghri-Daughter
- iii) Ms. Suniti Bansal-Daughter
- iv) Ms. Nishta Goyal-Daughter
- v) Ms. Karuna Aggarwal-Daughter

And prayed for substitution of above said LR's of deceased respondent No.4.

4. Reply to the said application has not been filed on behalf of respondents.

5. I have heard ld. counsels for the petitioners, respondent No.3 and perused the record.

6. The petition is filed for probate of WILL dated 31.12.2001 executed by late Sh. Anand Prakash Goel in favour of the petitioners. During pendency of present petition, respondent No.4 Mrs. Veena Baghri expired on 30.12.2013. Thereafter, application U/o 22 rule 4 CPC filed in the court on 25.03.2014 to implead the LR's of respondent No.4, but, in the said application, names of all the LR's were not incorporated. Hence, present application has been filed. Death certificate of respondent No.4 filed, which proved the factum of her death as 30.12.2013. Right to sue survives in favour of the petitioners and against the LR's. Hence, application U/o 22 rule 4 CPC stands allowed. All the LR's of deceased respondent No.4 be brought on record. Application stands disposed off.

Announced in the open
Court on 25.11.2016

(Virender Kumar Goyal)
Additional District Judge-01
(East)/KKD/Delhi / 25.11.16