

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

Ex: 337/16

In the matter of :-

Ram Phool and othersDHs

Versus

Union of IndiaJD

ORDER

1. Vide this order, I shall dispose of application u/o 22 rule 3 r.w. section 151 of CPC for bringing on record the legal heirs of late Shri Mahipal Singh/IP no.2(i) and 3(i).
2. It is stated in the application that Shri Mahipal Singh/IP no.2(i) and 3(i) had expired on 19.07.2013, leaving behind his following legal heirs:-
 - i. Rakesh Kumar
s/o late Shri Mahipal Singh
r/o village Kondli, Delhi.
 - ii. Smt Kamlesh Kumari
d/o late Shri Mahipal Singh
w/o Shri Rakesh Kumar
r/o H.no. 229, Village Aliganj, Delhi.
 - iii. Smt Manisha Kumari
d/o late Shri Mahipal Singh
w/o Shri Jitender
r/o Village Ranmpur, Distt. Hapur(UP)
3. It is further stated that except these legal heirs, there is no other legal heirs of late Shri Mahipal Singh and right to sue survives in their favour and further stated that the deceased

has not executed and WILL and the application has been filed within time and prayed for allowing the application.

4. In the reply filed by the UOI it is stated that the application is not maintainable as the claimant died on 19.7.2013 and the application has been filed on 25.10.2013. Replying to the application on merit it is stated that the applicant has not filed the death certificate and prayed for the dismissal of the application.

5. Whereas, no reply is filed on behalf of DDA.

6. I have heard the ld. counsels for the parties and perused the record.

7. IP no.2(i) and 3(i) i.e. Shri Mahipal Singh had expired on 19.07.2013, whereas, the application is filed on 25.10.2013. Death certificate also filed. LR verification report filed. The deceased has left behind the above named LRs. Right to sue survives in their favour. There is delay of 6 days in filing the application. However, in the interest of justice, the delay is condoned and the application is allowed.

All the LRs be brought on record.

Announced in the open
Court on : 23/01/2016

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

