

ANGOORI DEVI Vs. VED PRAKASH

06.05.2026

Present: Sh. Mahesh Chand, Ld. Counsel for the plaintiff.
Sh. Amandeep Joshi, Ld. counsel for defendant no. 12/DUSIB.
Sh. Pankaj Sharma, Ld. Proxy counsel for D4 to D7 alongwith defendants no. 4 to 7.
None for LR's of D-1, D-2 and D-3, D-8 to D-11.

Summons were not issued to the defendant no. 8 to 11 by Ld. Predecessor, as the issue of maintainability of the instant suit qua these defendants is to be decided.

Court Notice sent to LR's of defendant no. 1 received unserved. Defendant no. 3 has been served, however, none appears on her behalf.

An application under Order XXII Rule 4 CPC for substitution of LR's of deceased plaintiff no. 1 is pending adjudication. Notice of the said application was duly served upon the LR's of deceased defendant no. 1 as observed by Ld. Predecessor vide order dt. 17.02.2025. This Court was lying vacant and thereafter, was on leave for a long duration, hence, in the interest of justice, Court Notice was sent to LR's of deceased defendant no.1, however, the same has been received unserved. In these circumstances, the Court is deciding the application on the basis of material on record.

Arguments on the said application heard. Record perused.

PTO

Ld. Proxy counsel for the defendant no. 4 to 7 submits that he is authorized to give his No Objection to the instant application. The application has been filed within the prescribed period of limitation. The right to sue survives against the LRs of deceased defendant no.1. Accordingly, the application in hand is allowed. LRs of deceased defendant no.1 are hereby brought on record. Amended memo of parties be filed within two weeks.

Let court notice for date fixed be again issued to LRs of deceased defendant no.1.

Vide order dt. 24.03.2022, Ld. Predecessor had impleaded DUSIB as defendant no. 12 in the instant suit and had listed the matter for arguments on its maintainability.

Renotify the matter for arguments on maintainability of the instant suit on **20.07.2026**.

(SHUCHI LALER)

District Judge-02 (East),
Karkardooma Courts/ 06.05.2026