

12.05.2022

Present: Shri A. S. Rajput, Ld. counsel for plaintiff.
 Shri Yogender Sharma, Ld. counsel for defendants.

An application u/o 22 rule 3 r/w section 151 CPC alongwith an application for condonation of delay on behalf of LR's of the plaintiff to bring LR's on record is filed. Copy supplied.

Arguments heard on said application.

Order on IA u/o 22 rule 3 r/w section 151 CPC alongwith an application for condonation of delay.

It is submitted by the Ld. counsel for plaintiff that plaintiff in the present was expired on 08.06.2021. It is further submitted that applicants are illiterate persons and were not aware about the proceedings of the case and it was the plaintiff who used to attend this case personally. It is further submitted that applicants are the residents of Aligarh U.P and due to pandemic covid-19 they could not go out as there was lock down and curfew in U.P. and it was advised to remain inside house till it was unavoidable. It is further submitted that applicants did not have contact number of counsel of plaintiff, therefore, they could not contact the counsel and they contacted Ld. counsel for plaintiff through one person Shiv Kumar who was known to their father. It is further submitted that delay in filing the present application is neither intentional nor deliberate but due to the reasons mentioned above. It is further submitted that right to sue survives with the LR's of the plaintiff. It is further submitted that there are six LR's of the plaintiff and they are children of the plaintiff. It is submitted that the delay in filing the aforesaid application be condoned in the

interest of justice and LR's of the plaintiff be impleaded as plaintiff in place of their late father Shri Sarafat Ali.

Ld. counsel for defendant submits that the defendants have objection if the above said application is allowed in favour of LR's of plaintiff.

In view of the same, the delay in filing the aforesaid application is condoned. The application u/o 22 rule 3 r/w section 151 CPC to bring LR's of deceased plaintiff is hereby allowed. Let the amended memo of parties be filed within one week with advance copy to opposite side.

Fresh evidence by way of affidavit alongwith LOW be also filed within 15 days with advance copy to opposite side.

Put up for PE on 30.08.2022.

(Rajesh Kumar)
Additional District Judge-03
East/Karkardooma/Delhi
12.05.2022