

RCT No. 13/18

Sarvesh Chand Gupta Vs. Suresh Kumar Gupta & Ors.

11.01.2021

(Proceedings through Video Conferencing)

Present: None for appellant.
Sh. Rohit Kumar, Ld. Counsel for LR's of R-1 &
R-5 to R-8.
R-3 & R-4 are ex-parte.

Be awaited.

(Dinesh Kumar Sharma)

Principal District & Sessions Judge/RCT

New Delhi/11.01.2021

At 12:30 PM

Present: Sh. P.K. Rawal, Ld. Counsel for appellant.
Sh. Rohit Kumar, Ld. Counsel for LR's of R-1 &
R-5 to R-8.
R-3 & R-4 are ex-parte.

An application dated 24.05.2019 under Order 22
Rule 3 CPC r/w Section 151 CPC is pending disposal for
impleading LR's of late Sh. Sarvesh Chand Gupta.

In the application, it has been submitted that late
Sh. Sarvesh Chand Gupta have left three LR's i.e. Smt. Savita
Gupta, wife and two daughters, namely, Smt. Anubha Sharma
and Smt. Nidhi Aggarwal. An affidavit dated 18.09.2019 has
also been filed to this effect.

On the above application, all the respondents except R-2 have already been served.

As per affidavit dated 04.01.2021 filed by Smt. Anubha Sharma, Sh. Naresh Kumar Gupta, R-2 has duly been served at S-55, Greater Kailash Part -I, New Delhi, address of which was supplied by Sh. Rohit Kumar, Ld. Counsel. Along with the affidavit, a copy of the postal receipt and tracking report have also been filed.

Process was also sent to R-2 at R-23, NSDE Part II, New Delhi. However, as per the tracking report, the same returned, as the addressee left without instructions.

I have waited for R-2 till 12:30 PM. None has appeared on behalf of R-2. **Therefore, R-2 is proceeded ex-parte.**

In the above application, Sh. Rohit Kumar, Ld. Counsel submits that though he has not received affidavit dated 18.09.2019, however, if the affidavit has been filed to the effect that Sh. Sarvesh Chand Gupta has left behind only three LRs, the application may be allowed.

In view of the above, the application dated 24.05.2019 moved under Order 22 Rule 3 CPC r/w Section 151 CPC for impleading LRs of late Sh. Sarvesh Chand Gupta is allowed.

Therefore, Smt. Savita Gupta, wife of late Sh. Sarvesh Chand Gupta and his two daughters, namely, Smt. Anubha Sharma and Smt. Nidhi Aggarwal are impleaded as LR's of late Sh. Sarvesh Chand Gupta.

Amended Memo of Parties has already been filed.

Now, to come up for arguments on the appeal on merits on **12.02.2021**. In the meantime, both parties are directed to file written submissions within two weeks with copy to other parties.

(Dinesh Kumar Sharma)
Principal District & Sessions Judge/RCT
New Delhi/11.01.2021