

CS 59374/16

**DELHI DEVELOPMENT AUTHORITY Vs. SURINDER
KUMAR**

22.07.2023

Present: Sh. Promila Kapoor, Ld counsel for the plaintiff.

Sh. Ankur Goel, Ld counsel for defendant no. 1
through VC.

Sh. Vikrant Mehta, Ld proxy counsel for defendant
no. 2 along with husband of defendant no. 2.

None for defendant no. 3.

Defendant no. 3 has expired. No application has been moved for substitution of LRs of defendant no. 3 till date. Nonetheless Ld counsel for the plaintiff states that no relief has been sought against defendant no. 3 and accordingly she does not want to implead LRs of defendant no. 3. In view of the submissions so made and on account of non-impleadment of LRs of defendant no. 3 despite his death, proceedings against defendant no. 3 stands abated.

One application moved by the plaintiff seeking impleadment of LRs of deceased defendant no. 1 is on record as was filed on 28.02.2023. Though there is delay in moving the said application, however, Ld counsel for the plaintiff states that the application was moved immediately upon becoming aware of defendant no. 1's death and upon being supplied with the particulars of the LRs by Ld counsel for defendant no. 1. Ld counsel for the defendants, LRs of defendant no. 1 states that they have no objection if the application is allowed. Considering the application as well as no objections given by the parties, the fact that this is a suit for declaration & permanent injunction and

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as the right to sue survives, the application stands allowed.

Amended memo of parties is taken on record.

Relist the matter for completion of pleading as well as for framing of issues now on 07.12.2023.

In the meanwhile, parties are at liberty to file affidavit of admission-denial with copies exchanged.

(Gaurav Rao)
Additional District Judge-03
Patiala House Courts, New Delhi
22.07.2023