

CS 28/25

YOGENDER KUMAR Vs. DHARAMVEERI DEVI

17.10.2025

Present : Sh. Pankaj Sharma, Ld. Counsel for the plaintiff.
Sh. Nadeem Ahmed, Proxy counsel (Enrl No.UP-9400/2015) for Sh. Irfan Khan, Ld. Counsel for defendant nos. 1 & 2 and LRs of deceased defendant no.3.
Defendant no.4 in person with proxy counsel Ms Mohini Jain, (Enrl No.D-9915/2022) for Sh. Shivam Panchal, Ld counsel for defendant no. 4.
None for defendant no. 5.

Steps have not been taken for service of defendant no.5 despite direction for taking steps within two days for dasti service by previous order. Ld. Counsel for the plaintiff seeks another opportunity for taking steps for service of defendant no. 5. He has further drawn the attention of this Court to section 10 Rule 3 of Hindu Succession Act, 1956. Section 10 of the Hindu Succession Act, 1956 provides that property of an intestate shall be divided among the heirs in class I of the Schedule in accordance with the following Rules:-

Rule 1:-----

Rule 2:-----

Rule 3: The heirs in the branch of each pre-deceased son or daughter are entitled to one share between them.

The matter is fixed for further arguments on application under Order 6 Rule 17 r/w section 151 CPC filed on behalf of the plaintiff.

Adjournment sought by proxy counsel for defendant nos. 1 to 3 on the ground that main counsel is busy in Rohini Courts.

Ld. Proxy counsel for defendant no. 4 submits that their client does not have objection if the amendment application is allowed.

Adjournment opposed. Last opportunity is granted for further arguments on application under Order 6 Rule 17 r/w section 151 CPC subject to cost of Rs.2,000/-to be paid by defendant nos. 1 to 3 to the plaintiff.

Put up for further arguments on the application under Order 6 Rule 17 r/w section 151 CPC on the next date. Plaintiff is also directed to positively take steps within 2 days for service of defendant no.5 in terms of last order, returnable on 21.11.2025.

(SUKHVINDER KAUR)
Principal District & Sessions Judge
North-East District, KKD Delhi/17.10.2025