

24CS23/20

**ARUNA THAKUR AND ORS Vs. ARVIND KUMAR
SHARMA AND ORS**

21.03.2024

Present: Sh. Honey Taneja, Ld. Counsel for the plaintiffs.
Sh. Chaitanya Mathur, Ld. Counsel for the
defendants no. 2 to 6.

Ld. Counsel for the plaintiff submits that he has already paid the costs of Rs. 5000/- to the Ld. Counsel for the defendant no. 1.

Arguments heard on the application under Order 22 Rule 3 CPC from both the sides.

It is submitted by Ld. Counsel for the plaintiffs that plaintiff no. 1 has died on 08.05.2021 and he has filed the instant application on 28.10.2021.

Ld. Counsel for the defendants submit that the LRs of plaintiff no. 1 are already on record as plaintiff no. 2 and defendant no. 7 and therefore, there is no need for impleadment of LRs of plaintiff no. 1.

Ld. Counsel for the plaintiffs do not dispute the above submission of Ld. Counsel for the defendants.

In view of the above, the application under Order 22 Rule 3 CPC is disposed of with directions to the plaintiff to file amended memo of parties showing plaintiff no. 1 as deceased and plaintiffs no. 2 and defendant no. 7 as LRs of plaintiff no. 1.

Arguments also heard on the application under order 8 Rule 1 CPC filed on behalf of defendants no. 3 and 5.

Ld. Counsel for the plaintiffs have no objection if the said application is allowed subject to costs.

Accordingly, the application **under Order 8 Rule 1 CPC filed on behalf of defendants no. 3 and 5 is allowed** subject to costs of Rs. 2000/- to be paid to the plaintiff on NDOH.

Ld. Counsel for the defendants no. 2 to 6 further submit that he will be filing the WS along with original SPA of defendants no. 2,4 and 6 with the Registry during the course of the day. Copy already supplied.

Now to come up for arguments on the application under Order 1 Rule 10 CPC on 09.07.2024.

(Ankur Jain-II)
ADJ-02, SHD District
KKD/Delhi 21.03.2024