

CS 394/17

VEENA RANI Vs. SHRI GYAN CHAND VERMA

10.09.2024

At 12:22pm

Present: Sh. Avdesh Kumar Chauhan, Ld. counsel for plaintiff.
Sh. Pramod Kumar Verma, proposed LR of D-1 in person (Who is also the husband of plaintiff).
Sh. Sunil Kumar, Ld. counsel for proposed LR of D-1 namely Sh. Satish Kumar, Roshni, Sunita, Shashi @ Guddi and Manju and proposed LR of D-2 namely Omvati, Deepa Verma and Ankit Verma along with proposed LR of D-2 in person.
None for proposed LR No. 8 Smt. Bholi of D-1.

Fresh Vakalatnamas filed on behalf of proposed LR of D-2 along with death certificate of D-2. Same be taken on record.

Ld. counsel for proposed LR of D-2, on instructions submits that proposed LR of D-2 have no objection, if the application under Order XXII Rule 4 CPC for substituting the LR of D-2 be allowed and they be substituted in the present matter.

File perused.

As per death certificate of D-2, D-2 had expired on 03.06.2024 and the aforesaid application was filed on 02.07.2024 i.e. well within limitation.

In view of the submissions, no objections given by Ld. counsel for proposed LR of D-2, contentions made in the application and considering the facts that right to be sued still survive against

(2)

proposed LR of D-2 therefore, the present application under Order XXII Rule 4 CPC is hereby allowed.

LRs of D-2 namely Omvati, Deepa Verma and Ankit Verma are substituted in the present case.

Application under Order XXII Rule 4 CPC qua LR of D-2 is accordingly disposed off.

Ld. counsel for plaintiff submits that he will file the fresh amended memo of parties within 15 days from today. He further submits that plaintiff has visited West Bengal to serve the notice upon the proposed LR of D-1 namely Smt. Bholi, however, no such person was found at the given address. He further submits that he will file the affidavit of plaintiff in this regard and further shall move an appropriate application for effecting service of summons upon proposed LR of D-1 namely Smt. Bholi by way of substitute mode.

Ld. counsel for proposed LR of D-1 namely Sh. Satish Kumar, Roshni, Sunita, Shashi @ Guddi and Manju and LR of D-2 namely Omvati, Deepa Verma and Ankit Verma, on instructions submits that he has no objection, if the application under Order XXII Rule 4 CPC for substituting the proposed LR of D-1 be also allowed.

Put up for compliance and taking steps for effecting service upon proposed LR of D-1 namely Smt. Bholi on **17.12.2024**.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
10.09.2024