

CS 252/19
INTIZAR AHMAD Vs. ISHTIAQ HUSSAIN

01.06.2024

At 3:37pm

Present: Mr. Faiz Ahmad, Ld. Counsel for plaintiff along with plaintiff in person.

Mr. A. H. Khan, Ld. Counsel for defendants and proposed defedant along with D-1 and D-2 in person.

Reply to the application under Order I Rule 10 CPC filed on behalf of proposed defendant on 09.05.2024. Copy already supplied.

Documents along with list of documents filed on behalf of proposed defendants. Copy supplied.

Ld. counsel for defendants and proposed defendant, on instructions submits that he has no objection, if proposed defendant namely Shakeela, Aqila and Tabassum be impleaded in the present case.

It is submitted by Ld. counsel for plaintiff that the application under Order I Rule 10 r/w Section 151 CPC was filed to implead four sisters of plaintiff and defendants, however during the pendency of the present application and suit, one of the sister namely Shahnaz had expired on 10.11.2022. It is further submitted that Shahnaz was divorcee at the time of her death and she left plaintiff, defendants and proposed defendants as her LRs as per Muslim Law. It is further submitted that Shahnaz be

(2)

deleted from the application as she had expired, therefore there is no need to implead her.

Ld. counsel for defendants and proposed defendants, on instructions submits that defendants and proposed defendants have no objection if Shahnaz be treated as deleted from the application, however, Shahnaz was unmarried at the time of her death. It is further submitted that plaintiff, defendants and proposed defendants are the only LR's of Shahnaz as per Muslim Law.

In view of the submissions, no objection given by Ld. counsel for defendants and proposed defendants and considering the fact of the case, proposed defendants namely Shakeel, Aqila and Tabassum are impleaded as D-3 to D-5 respectively in the present suit.

Application under Order 1 Rule 10 CPC is hereby allowed and disposed off accordingly.

Plaintiff is directed to file amended memo of parties within 30 days from today with an advance copy to defendants.

D-3 to D-5 are directed to file WS and affidavit of admission and denial of documents within 30 days from today with an advance copy to the plaintiff.

Upon receipt of WS and affidavit of admission and denial of documents, plaintiff is at liberty to file replication, if any and affidavit of admission and denial of documents, if required within 15 days thereafter with an advance copy to defendants.

(3)

Plaintiff and D-1 and D-2 are also directed to file affidavit of admission and denial of documents within 30 days from today with an advance copy to opposite side.

Parties are directed to produce original documents and file proposed issues on or before the NDOH.

Parties are directed to appear in person on the NDOH.

Put up for completion of pleadings, admission and denial of documents and framing of issues on **07.09.2024 at 2:00pm.**

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
01.06.2024