

20 CS 1830/16
VIKAS BHARATDWAJ Vs. M/S. CAPITAL LAND
BUILDER PVT. LTD

07.03.2024
AT 3.50 PM

Present: Sh. Arjun Singh Bhati, Ld. Counsel for the plaintiff
along with plaintiff in person.
Sh. Sukhbir Singh, Ld. counsel for the defendants
no.1 and 2.
None for the defendant no.3 (**Stated to have
expired**).
Sh. R.N. Dubey and Sh. Tapan Rajora, Ld. Counsels
for the defendants no.4 and 8
Ms. Mukta Garg and Ms. Mamta Garg, Ld. Counsels
for the defendant No.5.
None for the defendants no.6.
Sh. Deepanshu, Ld. Proxy Counsel for Sh. Piyush
Gupta, Ld. Counsel for the defendant no.7.
Ms. Himani Aggarwal, Ld. Counsel for the
intervener/applicant
Sh. Manoj Bansal, AR of the applicant/intervener
Company in person through VC

Arguments heard on the application under Order
XXII Rule 4 CPC r/w Section 151 CPC for substituting the LRs
of D-3, filed by the plaintiffs. Ld. Counsels for D-1, D-2, D-4 to
D-8 submits that they have no objection if the present application
under Order XXII Rule 4 R/W Section 151 CPC.

It is stated in the application that D-3 had expired on 28.12.2022 and the said fact came into the knowledge of the plaintiffs only on 21.09.2023 and thereafter the present application was filed on 17.10.2023.

It is further submitted by the Ld. Counsel for plaintiffs that right to sued is still survive against the LR's of defendant no.3 and the present applications be allowed and LR mentioned in **para no.3** of the application under Order XXII Rule 4 R/W Section 151 CPC be substituted on behalf of defendant no.3.

Arguments heard.

File perused.

In view of the submissions, no objections, contentions made in the application and considering the fact that right to be sued still survive against the LR's of defendant no.3, the present application under Order XXII Rule 4 R/W Section 151 CPC is hereby allowed.

LR's of defendant no.3 are substituted in the present case.

Application under Order XXII Rule 4 r/w Section 151 CPC is accordingly disposed off.

Plaintiffs are directed to file amended memo of parties within one week from today with advance copy to the defendants.

Arguments heard on the applications under Order VII Rule 11 CPC filed by defendants no.2 and 5 and application under Order I Rule 10 CPC filed by the defendant no.5.

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Put up for orders on the applications under Order VII Rule 11 CPC and application under Order I Rule 10 CPC on 05.04.2024.

(Deepanker Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
07.03.2024