

RCA DJ 67/19
RAJENDER SINGH Vs. HUKUM CHAND

11.01.2024

One regular PA is on leave today and no substitute PA is provided.

Present: Sh. atiqur Rahman Siddiqui, Sh. Abdul Qadir and
Ms. Anjana Gupta, Id. Counsels for appellant.
Sh. Dheeraj K. Nayal, Id. Counsel for Shyam Sunder
Khanna.

Fresh vakalatnama filed on behalf of the LR's of
appellant. Be taken on record.

An application u/o 22 rule 3 CPC dated 09.05.2023
alongwith an application u/s. 5 of Limitation Act was filed by LR's
of deceased appellant. It is submitted by counsel for appellant that
the LR's of the appellant has given all the relevant documents to the
previous counsel but the application for impleadment of LR's was
not filed by the previous counsel.

Counsel for proposed LR's of respondent no. 2 and 3
does not object the condonation of delay application seeking
impleadment of LR's.

In view of submissions of counsel for appellant and
grounds stated in the application, the application seeking
condonation of delay is allowed.

Now, coming to the application u/o 22 rule 3 CPC, it
is submitted by counsel for LR's of appellant that the appellant has
expired on 26.02.2020 and leaving behind 05 LR's as mentioned in
the application.

All the 05 LR's of appellant are necessary parties for the disposal of the present appeal.

Accordingly, application seeking impleadment of 05 LR's of appellant is allowed. All 05 LR's of appellant are impleaded as necessary party in the present appeal.

There is another application u/o 22 rule 4 CPC filed by counsel for respondent no. 2 and 3 for impleadment of Shyam Sunder Khanna. Counsel for respondent no. 2 and 3 submits that Shyam Sunder Khanna is the LR's of deceased respondent no. 2 and deceased respondent no. 3. He further submits that he is a distant relative of respondent no. 2 and 3. Let a family tree be filed by applicant with advance copy to the other side.

Put up for filing of aforesaid family tree and arguments on application u/o 22 rule 4 CPC filed on behalf of deceased respondent no. 2 and 3 on 28.03.2024.

(Mohammad Ehtesham)
ADJ-03, Shahdara
KKD Courts, Delhi
11.01.2024