

27 CS 493/17
KESAR SINGH Vs. ANIL KUMAR GUPTA

04.03.2024

At 3:09pm

Present: Sh. Yash Kumar, Ld. Counsel for the LR no.1 of plaintiff namely Devender Kaur (daughter in law) and Navneet Kaur @ Alisha (grand daughter).
Sh. Gaurav Malhotra, Ld. Counsel for the LR no.1 of plaintiff namely Amanpreet Singh (grand son of the plaintiff) and LR no.2 of the plaintiff namely Surender Pal Singh along with LR no.2 of the plaintiff in person.
None for the LR no.3 of the plaintiff namely Harjeet Kaur.
Sh. Amit Sinha, Ld. counsel for the defendant along with defendant in person.

Matter is listed for reply and arguments on the application under Order XXII Rule 3 CPC.

Notice was issued to LR no.3 of the plaintiff. As per report, same has been duly served upon the LR no.3 of the plaintiff on 29.02.2024.

Ld. Counsel for the defendant, on instructions submits that defendant has no objection, if the present applications under Order XXII Rule 3 CPC filed on behalf of wife of deceased LR no.1 of the plaintiff and LR no.2 of the plaintiff and son of deceased LR no.1 of the plaintiff be allowed.

(2)

It is submitted by the Ld. counsels for wife of deceased LR no.1 of the plaintiff and LR no.2 of the plaintiff and son of deceased LR no.1 of the plaintiff that plaintiff expired on 05.05.2021 and subsequently his son namely Charanjeet i.e. LR no.1 of the plaintiff also expired on 18.05.2021. It is further submitted that thereafter on 08.10.2021 and 12.10.2021, the afore-said applications were filed for substituting the LRs of plaintiff and deceased LR no.1 of the plaintiff. It is further submitted that aforesaid applications were filed during the Pandemic period, therefore the same are well within limitation as per the orders of the Hon'ble Supreme Court of India passed in SLW NO.3/2020. It is further submitted the right to sue still survive in favour of LRs of plaintiff.

Heard. File perused.

In view of the submissions, contentions made in the application, no objection given by the Ld. counsel for defendant and considering the fact that right to sue still survive, the afore-said applications under Order XXII Rule 3 CPC are hereby allowed. The LRs of the plaintiff mentioned in applications are substituted in the present suit.

The present applications under Order XXII Rule 3 CPC are disposed off accordingly.

Ld. counsel for the LRs of the plaintiff submits that LRs of plaintiff shall file amended memo of parties within 10 days from today.

(3)

It is directed to the LR's of the plaintiff to file their correct and proper addresses in the memo of parties along with their respective ID proofs.

Put up for PE on **06.05.2024**.

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

(Deepanker Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
04.03.2024