

10 CS 656/23
YASH PAL AND ORS Vs. ARUN KUMAR

03.08.2024

At 10:26am

Present: Sh. Chander Mohan, Ld. Counsel for the plaintiff
no.1 and LRs of plaintiff no.2(**Plaintiff no.2 stated to
have expired**).

Mohd. Zahid, Ld. Counsel for proposed LRs of
defendant namely Ms. Kiran Bala, Smt. Pooja Rani
and Ms. Preeti.

Ld. counsel for plaintiff submits that the notice of
the application under Order XXII Rule 4 CPC has been duly
served upon LRs of defendant.

Acknowledgment card received back with a report
that notice has been duly served upon Smt. Pooja Rani.

Ld. counsel for proposed LRs of defendant namely
Ms. Kiran Bala, Smt. Pooja Rani and Ms. Preeti submits that he
will file his Vakalatnama on behalf of the above-named LRs
before the NDOH. He on instructions submits that proposed LRs
of defendant have no objection, if the present application be
allowed and they be substituted on behalf of the defendant in the
present suit.

Heard. File perused.

It is stated in the application that defendant had
expired on 02.04.2024 and therefore, the present application was
moved on 18.05.2024. It is stated in the application that right to
be sued is still survived against the proposed LRs of defendant. It

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is further submitted that the present application is well within limitation.

In view of the submissions, no objections, contentions made in the application and considering the fact that right to be sued still survive against LR's of defendant therefore, the present application under Order XXII Rule 4 CPC **stands allowed.**

LR's of defendant mentioned in para no.2 of the application are substituted in the present case.

Application under Order XXII Rule 4 CPC is accordingly disposed off.

Amended memo of parties already filed. Same be taken on record.

PW Mohit Kumar is present.

Ld. counsel for LR's of defendant submits that he needs some time to discuss the case with the LR's of defendant, therefore, he needs some time to cross examine PW Mohit Kumar.

Heard.

In the interest of justice, matter be adjourned.

Put up for PE on **19.10.2024.**

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

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
03.08.2024