

CS. No. 15475/16
Pappu vs. Rameshwar & Ors.

16.01.2020

Present: Plaintiff in person.

Sh. S.K. Mishra, counsel for defendant no.1.

Defendant Jai Kishan is also present.

None for other defendants.

The notice of the application U/o. 22 Rule 4 CPC moved by the plaintiff has been duly served upon the LR's of deceased defendant no.10 but they have not appeared nor filed any reply to the said application. It implies that they have nothing to say in response to the said application and hence, **they are proceeded ex-parte.**

Counsel for defendant no.1 submits that he has no objection if the application U/o. 22 Rule 4 CPC is allowed. It is stated that defendant no.10 has expired on 06.03.2013 leaving behind his two sons and four daughters as per details given in para no.5 of the said application.

Another application is also moved by the plaintiff seeking condonation of delay in moving the application U/o. 22 Rule 4 CPC on the ground that details of the LR's of deceased defendant no.10 could not be obtained despite making efforts as the LR's did not co-operate and in getting the said details, it took some time for which condonation is sought.

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In view of above, since right to sue survives in favour of the plaintiff and against the LR's of deceased defendant no.10, both the aforesaid applications moved by the plaintiff are allowed. Amended memo of parties be filed.

As today counsel for the plaintiff is not available, therefore, case is adjourned for further proceedings on **24.02.2020.**

(Balwant Rai Bansal)
ADJ-05(SW)/Dwarka Courts
16.01.2020