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CS DJ ADJ 308/19

JAI NARAIN AND ORS Vs. JAI SINGH AND ORS

27.04.2024

Present: Sh. Sudhanshu Tomar, Ld. Counsel for Plaintiffs.
Defendants no. 1 and 2 in person.
Sh. D.V. Khatri, Ld. Counsel for Defendants no. 1 to 10 through VC.
Sh. S.S. Dalal, Ld. Counsel for Defendant no. 17.

Arguments heard on the pending application under Section 151 and 153 of the CPC moved by Defendants no. 1 to 10 for recall of earlier order which allowed the application under Order XXII R 3 of CPC for impleadment of the LRs of the deceased Plaintiff Bijender Singh.

Ld. Counsel for Defendants no. 1 to 10 has submitted that the Court did not consider the fact that the application under Order XXII R 3 of CPC was delayed and there is no order condoning the delay in filing the said application and that the same has been obtained by way of misrepresentation by the other parties.

Ld. Counsel for Plaintiff, on the other hand, has argued that the application was allowed in as much as none were present for Defendants no. 1 to 10. He has submitted that no prejudice would be caused to any party if the LRs of the deceased Plaintiff are allowed to be impleaded.

Ld. Counsel for Defendant no. 17 has submitted that the order under discussion had incorrectly recorded that he was appearing for Defendant no. 7 which fact was later brought to the notice of the Court and therefore, only on this ground, the order cannot be reviewed.

Put up for further consideration on **20.05.2024**.

(DIVYANG THAKUR)
DJ-03/ SOUTH-WEST
DWARKA/ NEW DELHI
27.04.2024 (A)