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CS DJ ADJ 478/19

RICHY REPLENENT RAJ AND ANR Vs. JAI SINGH AND ORS

02.11.2023

Present: Sh. Deepak Kohli, Ld. Counsel for the plaintiff.
Sh. Akhilesh Kumar, Proxy counsel for Sh. M.C. Premi, Ld.
Counsel for the defendants.

Death certificate of defendant No. 1 is filed on record by Ld. Counsel for the defendants.

Ld. Counsel for plaintiff submits that defendant No. 1 died intestate leaving behind plaintiff No. 1 and defendant No. 2 as Class I legal heir and since they are already parties to the suit, they need not to be impleaded separately. It is also submitted that since preliminary decree dated 04.08.2023 passed by Ld. Predecessor of this court thereby declaring the share of the plaintiff No. 1 and defendant No. 2 as 1/6th share (1/3rd share each) but since, defendant No. 1 has expired during the pendency of the present suit, entitlement of plaintiff No. 1 and defendant No. 2 increased from 1/3rd share each to one half share. Accordingly, application U/o VI Rule 17 CPC is filed. Copy supplied.

Ld. Counsel for defendant No.2 sought time to file reply to above said application. Let reply, if any be filed within 4 weeks with advance copy to other side.

Put up for reply and arguments on pending application on **08.01.2024.**

(SHILPI M JAIN)
ADJ-05 (SW)/Dwarka Courts
New Delhi:02.11.2023