

CS. No.872/17
Kuldeep Panwar vs. I.B. Singh Parihar & Ors.

05.02.2020

Present: Plaintiff in person.

Sh. Suresh Sah, counsel for LR's of deceased
defendant no.1.

Sh. O.P. Sharma, counsel for defendant no.2.

Sh. Gajender Singh, counsel for defendant no.3.

Sh. B.R. Kaushik, counsel for defendant nos. 4 & 5.

Reply to the application U/o. 22 Rule 4 CPC is filed on
behalf of defendant nos. 4 & 5. Copy supplied.

Arguments on the said application heard.

The plaintiff has moved an application U/o. 22 Rule 4
CPC for impleading the LR's i.e. Premlata Singh (Wife) and
Vikram Singh (Son), of deceased defendant no.1 who has expired
on 27.05.2019. It is stated in the application that right to sue
against the LR's of deceased defendant no.1 still survives and
they may be impleaded as necessary parties. Notice of the said
application was given to the proposed LR's of deceased
defendant no.1 and counsel Mr. Sah submitted that he has no
objection if the application is allowed.

The application U/o. 22 Rule 4 CPC is contested by
the defendant nos. 4 & 5 only on the ground that same is time
barred. However, intimation of the death of defendant no.1 was
given by the counsel for defendant no.1 to this court on

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15.07.2019 and thereafter, the plaintiff has moved an application U/o. 22 Rule 4 CPC on 24.09.2019. Hence, it cannot be said that the said application is time barred. Since right to sue survives against the LR's of deceased defendant no.1, therefore, the application is allowed. Amended memo of parties be filed.

Now, case is fixed for further cross-examination of DW-1, for **20.04.2020**.

(Balwant Rai Bansal)
ADJ-05(SW)/Dwarka Courts
05.02.2020