

Sharda Duggal Vs. Rakesh Duggal Anr.

04.04.2022

Present : Sh. Rishabh Jain, Id. Counsel for the plaintiff.

Mohd. Arbaz Siddiqui, Ld. Counsel for all the LRs of deceased defendant no. 1.

Fresh Vakalatnama on behalf of LRs of deceased defendant no. 1 filed. Same is taken on record.

Arguments heard on application U/o XXII Rule 4 CPC for impleading the LRs of the defendant no. 1.

Ld. Counsel for the plaintiff submits that due to pandemic Covid-19 situation, he could not file the application U/o XXII Rule 4 CPC for impleading the LRs of deceased defendant no. 1 in time and there is delay of 77 days. He further submits that delay in filing the application may be condoned.

Considering the pandemic situation, delay of 77 days in filing the application U/o XXII Rule 4 CPC is condoned.

It is averred that defendant no. 1 Sh. Rakesh Duggal has passed away on 17.10.2021 leaving behind the following legal heirs :

- (i) Smt. Vidhya Duggal (Wife)
- (ii) Disha Duggal (Daughter)
- (iii) Yashika Duggal (Daughter)

Ld. Counsel for the plaintiff submits that his application for impleading the LRs of the defendant no. 1 is formal in nature and the same may be allowed. Ld. Counsel for the plaintiff has also filed death certificate of the defendant no. 1 in support of his application.

Ld. Counsel for LRs of the deceased defendant no.1 submits that he has no objection if the application filed by the plaintiff is allowed.

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In view thereof, applications U/o XXII Rule 4 CPC filed by the plaintiff is allowed.

Amended memo of parties filed. Same is taken on record.

List for plaintiff's evidence/ settlement, if any, on 06.07.2022.

Both the parties are directed to remain present on the said date.

(Manish Sharma)
ADJ-01/West/04.04.2022