

14.12.2021

Proceedings have been held by way of physical hearing.

Present: Mr. Vikram Aggarwal, counsel for proposed LRs of plaintiff.

Mr. S.K. Tanwar, counsel for defendant nos. 1 & 2.

Defendant no. 3 is ex-parte vide order dated 03.09.2016.

None for defendant no. 4.

The counsel for plaintiff is directed to intimate the court about the status of defendant no. 4 Ms Gunjan Kakkar.

An application of the plaintiff under order 1 rule 10 CPC for impleading Mr. Ajab Lal Kakkar H/o pre-deceased daughter Smt. Asha Kakkar, of last owner Smt. Uttam Devi is pending.

It is mentioned in the application that the plaintiff had not impleaded one of the legal heirs of the last owner of the property i.e. Mr. Ajab Lal Kakkar, son-in-law of last owner Smt. Uttam Devi.

The counsel for the plaintiff submitted that erstwhile owner of the property was Ms Uttam Devi and one of her daughter Smt. Asha Kakkar, had expired on 02.05.2002. She had left behind a daughter Ms, Gunjan Kakkar and husband Mr. Ajab Lal Kakkar. The counsel further submitted that the daughter Ms Gunjan Kakkar is

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already defendant no. 4 but plaintiff had forgotten to implead the father of defendant no. 4 and husband of Smt. Asha Kakkar.

The above application is not opposed by counsel for defendant nos. 1 & 2, and hence, it is allowed and Mr. Ajab Lal Kakkar is impleaded as defendant no. 5 and plaintiff is directed to file amended memo of parties by the next date of hearing with advance copy to opposite parties.

An application for impleading the L.Rs of plaintiff under order 22 rule 3 CPC is also pending. Reply filed by defendant nos. 1 & 2. Copy supplied.

An application of the proposed plaintiff Mr. Pawan Sareen to record evidence of Mr. Aruna is already on the file which shall be decided after the decision of application under order 22 rule 3 CPC.

Put up on 11.02.2022 for arguments on application under order 22 rule 3 CPC.

(Umed Singh Grewal)
ADJ-02, WEST
14.12.2021