

CIV DJ 915/2023
Harmeet Singh Vs.
Ramesh Gupta

30.04.2025

Present: Sh. Upender Singh, Ld. Counsel for plaintiff
 (through VC).
 Sh. Tribindh Kumar, Ld. Counsel for LR's of
 deceased defendant (through VC).

Ld. Counsel for plaintiff has pressed pending application u/o XXII Rule 4 CPC. Reply to the same has not been filed on behalf of LR's of deceased defendant despite sufficient opportunity.

The aforesaid application is taken up for hearing.

Mainly it is contended that defendant Sh. Ramesh Gupta has expired on 09.12.2023 leaving behind his three LR's namely, (i) Smt. Smriti Gupta (wife), (ii) Sh. Yash Gupta (son) and (iii) Ms. Unnati Gupta (daughter) and that the cause of action is surviving against them. The application was filed within the prescribed period of limitation.

In view of above discussion, the application under consideration is being allowed and the aforementioned three LR's are impleaded in the present matter.

It is hereby made clear that in case a decree is passed against the LR's in future, their liability would not extend beyond the value of the property they have inherited from their husband/father Late Sh. Ramesh Gupta.

Although the present suit has been filed as per provision u/o XXXVII CPC, however, considering the fact that

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now the LRs of the defendant have been impleaded, the same should be converted into an ordinary suit and Ld. Counsel for the plaintiff does not have any objection in this regard. Hence, the same is hereby converted into an ordinary suit.

Ld. Counsel for the plaintiff has undertaken to supply copy of the plaint and its annexures to Ld. Counsel for the LRs of the defendant at the earliest. After getting the same the LRs to file written statement within 30 days with advance copy to opposite side. Thereafter, the plaintiff is at liberty to file replication, if any, with copy to the opposite side.

Put up for consideration/ F.P. on **23.07.2025**.

(GOPAL SINGH CHAUHAN)
DJ-03, WEST/DELHI
30.04.2025