

21.03.2025

Present: Sh. Yoginder Kumar Bhardwaj, Ld counsel for the plaintiff.

None for the defendants.

None has appeared on behalf of the defendant no. 1 & 2 and even written statements have not been filed on behalf of defendant no. 1 & 2, despite being served on 07.12.2024, therefore, right of defendant no. 1 & 2 to file written statement stands closed.

Defendant no. 1 & 2 are also proceeded ex parte as none has appeared on their behalf.

Two applications under order XXII rule 4 CPC have been filed on behalf of the plaintiff before the present date of hearing.

Ld counsel for the plaintiff submits that he wants to withdraw the application (IA no. 1/25) filed on 24.02.2025 and is pressing his application (IA no. 2/25) filed on 11.03.2025.

In view of the above-said submission of the Ld counsel for the plaintiff, the IA no. 1/25 stands dismissed as withdrawn.

Ld counsel for the plaintiff submits that defendant no. 3 has expired on 28.11.2024 and the fact of death of defendant no. 3 came to his notice on 09.01.2025 and this application is within limitation from the date of knowledge of the death of deceased defendant no. 3. He further submits that the Lrs mentioned in the application are class-I legal heirs of the deceased and right to sue survive against them.

Heard. Case file perused.

Let notice of the above said application (IA no. 2/25)  
be issued to the Lrs of deceased defendant no. 3, on filing of PF/RC.

Put up for further proceedings on **06.05.2025**.

(SHIV KUMAR)  
DJ-02 (W)THC:Delhi  
21.03.2025