

Civ DJ 13183/16
JAIPAL Vs. ROHTAS AND ORS.

09.01.2020

Pr: Sh.Sumit Kumar, Ld.proxy counsel for plaintiff.

Sh.R.S.Chauhan, Ld.counsel for proposed legal heirs of deceased defendant no.1 as well as for defendants no.2 to 5.

Arguments on the pending application of plaintiff under Order 22 Rule 4 CPC and Rule 9 read with Section 151 CPC heard today and record perused.

During the course of arguments, ld.counsel for legal heirs of deceased defendant no.1 stated that he has no objection to the allowing of application filed by plaintiff subject to cost as there has been a delay in filing the present application.

In the present case, deceased defendant no.1 has expired on 16.09.2015 and the application for impleading legal heirs was initially filed on 21.03.2017. It is mentioned in the application that delay in filing the application has occurred due to

incorrect information received with regard to legal heirs of deceased defendant no.1 and in these circumstances, delay has occurred.

I have perused the record. The statement made by plaintiff's counsel is indeed correct. The delay in filing the application is condoned. In the facts, **the application filed is allowed subject to cost of Rs.5,000/-**. Amended memo of parties is taken on record.

Put up on **14.02.2020** for admission/denial of documents and framing of issues.

Both parties are at liberty to file their respective affidavits with regard to admission/denial of documents.

(Vikas Dhull)
ADJ-01/West/THC
Delhi