

Civ DJ 614/19

DINESH KUMAR SINGH Vs. CHANDRA SHEKHAR GUPTA AND
ORS

01.08.2023

Present : Ms. Kanchan Divan Id. counsel appearing for LRs of deceased
plaintiff.

Perusal of record shows that initial plaintiff-Dinesh Kumar Singh has expired and application under Order 22 Rule 3 CPC alongwith application under Section 5 of Limitation Act have been moved to bring his LRs on record. Same is supported with death certificate of initial plaintiff-Dinesh Kumar Singh. Although, there is minor delay in moving the said application, however, in the interest of justice, same is condoned. Since right to sue survives in favour of LRs of deceased plaintiff and against the defendants, application under Order 22 Rule 3 CPC is allowed. Amended memo of parties has already been filed on record.

Counsel for plaintiff submits that qua defendant nos.2 to 4, notice was given to them before filing of the present suit.

Perusal of record shows that one application under Order 33 CPC was moved on behalf of initial plaintiff- Dinesh Kumar Singh. Counsel for plaintiff submits that she will move application under Order 33 CPC on behalf of LRs of plaintiff.

Put up for further proceedings on **13.09.2023**.

(Dharmender Singh)
Additional District Judge-01(West)
Tis Hazari Courts, Delhi
01.08.2023