

RAJAT KAPOOR Vs. B.R. SETHI

19.11.2025

Present: Sh. Rajesh Bhatia, Ld counsel for Lrs of DH along with one of the Lrs of DH in person/Sh. Rohit Sethi.
Sh. Abhijat and Sh. Gurpreet Singh Gill, Ld counsel for JD through VC.

Put up for order on the application filed under order 22 rule 4 CPC during the course of day.

At 3.30 PM.

Present: None.

- 1) Vide this order, I shall decide the application filed by the petitioner under order 22 rule 4 CPC for impleading the legal heirs of deceased respondent.
- 2) It is averred in the application that the respondent has died on 16.05.2025 by leaving legal heirs ie. Ms. Sonia Sethi, Ms. Aakarti Sethi, Ms. Aashima Sethi, Ms. Seema Saini, Mr. Rohit Sethi and Ms. Sudesh Sethi.
- 3) On 17.10.2025, Ms. Sonia Sethi, Ms. Aakarti Sethi, Ms. Aashima Sethi and Ms. Seema Saini have appeared in the court and gave their joint statements that they are not

objecting the execution of Will dated 06.07.2019 by Late Sh. B.R. Sethi in favour of Smt Sudesh Sethi and Sh. Rohit Sethi and they are not claiming any right or interest in the property of the present petition as well as consequential benefits pertaining to the said property and they have no objection if only Smt Sudesh Sethi and Sh. Rohit Sethi are made legal heirs of deceased DH as party in the present case.

- 4) It is settled law that determination of question as to who is the legal representative of deceased respondent under order 22 rule 5 CPC is only for the purpose of bringing the legal heirs on record and conducting the proceedings of the petition pending against the deceased respondent at the time of his death.
- 5) Ld counsel for the petitioner has argued that all the legal heirs of deceased respondent be impleaded as party in the present case. Ld counsel for the Lrs of respondent submitted that due to giving of joint statement by four legal heirs of deceased respondent, only Smt Sudesh Sethi and Sh. Rohit Sethi are required to be made party in the present case.
- 6) Since, the other four legal heirs of deceased respondent have given NOCs in favour of Smt Sudesh Sethi and Sh. Rohit Sethi for only impleading them as party on behalf of deceased respondent in the present case and also relinquishing their rights in the subject properties of the present petition,

there is no need to implead them as party being legal heirs of deceased respondent. Therefore, only Smt Sudesh Sethi and Sh. Rohit Sethi are impleaded as legal heirs of the deceased respondent in the present case.

- 7) The application filed by petitioner under order 22 rule 4 CPC stands disposed off accordingly.

Amended Memo of parties be filed before NDOH.

Put up for consideration of application filed for seeking stay on the operation of present award on **24.11.2025**.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
19.11.2025