

RCA DJ 49/17

NATHO DEVI Vs. SUBHASH TIWARI AND OTHERS

04.12.2023

Present: Ms. Manshi Sharma, Ld. proxy counsel for Sh. Alok Sharma, Ld. Counsel for proposed LR of deceased appellant.
Sh. H.C. Chopra, Ld. Counsel for LR of deceased respondent no. 1.
None for proposed LR of deceased respondent no. 2 and none for respondent no. 3.
None for respondents no. 2(a), 2(b), 2(c) and 2(d).

1. Perusal of record shows that as per impugned judgment dated 25.01.2017, there were seven defendants in the suit, however, in the memo of appeal, defendants no. 3 to 6 have been impleaded as respondents no. 2(a), 2(b), 2(c) and 2(d) whereas defendant no. 7 has been amended as respondent no. 3 (refer order dated 27.01.2023).

2. Respondent no. 2(a), 2(b), 2(c) and 2(d) have already been served with the notice of the appeal (refer order dated 02.06.2018).

3. Perusal of record shows that following applications are pending for disposal:-

i). An application u/o 22 Rule 3 CPC r/w Section 151 CPC filed (on 24.02.2022), for impleading the proposed LR of deceased appellant.

ii). An application u/o 22 Rule 4 CPC r/w Section 5 of Indian Limitation Act for impleadment of proposed LR of deceased respondent no. 2.

4. Ld. Counsel for proposed LR of deceased appellant has filed an application u/o 22 Rule 4 CPC r/w Section 151 CPC seeking impleadment of LR of one of deceased proposed LR of deceased

respondent no. 2 (late Smt. Sunita Tiwari). Copy supplied to Ld. Counsel for proposed LRs of deceased respondent no. 1. Ld. Counsel for LRs of deceased respondent no. 1 submits that he will file reply to the said application. He is directed to file reply to the said application within two weeks from today with advance copy to Ld. Counsel for appellant.

At request, put up for arguments on all the pending application on 24.02.2024.

(Abhishek Srivastava)
Addl. Distt. Judge-05,
Central, THC, Delhi
04.12.2023(sr)