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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 186/1980**

TARUN KUMAR & ORS Plaintiffs

Through: Mr. K. K. Bhucchar, Adv alongwith
plaintiff- Mrs. Usha Kumar in person.

versus

AJAY KUMAR & ORS Defendants

Through: Ms. Neha Tandon, Adv for D2.

Mr. Mayank Grover, Adv for D3

(Enrolment No. D/6785/2018), Office
at:- N-8, Ground Floor, Green Park, New
Delhi, Mobile No. 9657039804.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **24.02.2020**

**IA No. 2260/2020 (u/O XXII Rule 4 (5) (a) & (b) r/w Section 151
CPC for bringing the LR's of deceased defendant No.3- Sh Vijay
Kumar on record)**

Notice of IA accepted by learned counsel for LR's of deceased defendant No.3, who submits that he has no objection, if application of plaintiffs is allowed and LR's of deceased defendant No.3 are impleaded as party in the case.

Defendant No.3- Mr. Vijay Kumar is reported to have expired on 11.02.2020 leaving behind the LR's as mentioned in para No.4 of the IA. Right to sue survives in favour of plaintiffs and against the

LRs of deceased defendant No.3. Application is well within time.

Considering the aforesaid facts into account and the averments made in the application, instant application filed by applicants/plaintiffs is hereby allowed. The LRs of deceased defendant no.3, whose particulars are given in para No.4 of the IA, are directed to be substituted and brought on record in place of deceased defendant No.3.

Amended Memo of Parties be filed by plaintiffs within a week.

The IA stands disposed of accordingly.

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List for defendants' evidence on 16.03.2020. Affidavit by way of examination in chief of defendants' witnesses, if any be filed within two weeks.

**RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 24, 2020

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