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* IN THE HIGH COURT OF DELHI AT NEW
DELHI

+ CS(OS) 70/2022

GYANENDER Plaintiff

Through: Mr. B.S. Bartwal,
Advocate appeared
physically

versus

DEVENDER DABAS & ORS. Defendants

Through: Mr. Manjesh Kumar Giri,
Advocate for Defendant
no.3 appeared physically

CORAM:
**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA
SINGH, (DHJS)**

% **ORDER**
10.02.2023

*Matter is taken up through physical hearing as well as
video conferencing.*

**IA No. 2588/2023 (application filed by the plaintiff u/O XXII
Rule 4 r/w Section 151 CPC for impleadment of legal heirs of
deceased defendant no.2)**

And

**IA No. 2589/2023 (application filed by the plaintiff u/O XXII
Rule 9 r/w Section 151 CPC r/w Section 5 of the Limitation
Act for setting-aside the abatement, and/or for condonation
of delay of 332 days in filing the application i.e. IA No.
2588/2023)**

Fresh application for impleadment of LRs of deceased
defendant no.2 has been filed alongwith application for setting
aside the abatement/condonation of delay.

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As per application, there are four legal heirs of deceased defendant no.2. However, the date of death of defendant no.2 has not been mentioned in the application and learned counsel for the plaintiff has stated that he is not aware of the date of death of defendant no.2 and the LRs may be called upon to provide death certificate of defendant no.2.

Notice accepted by learned counsel for defendant no.3. copy be supplied.

Notice be issued to defendant nos. 1 and legal heirs of deceased defendant no.2, on filing of PF within seven days, by all permissible modes including electronic mode and *dasti*. Affidavit of service be filed atleast one week before the next date of hearing.

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Learned counsel for the plaintiff has stated that defendant no.1 has not filed any written statement till date, despite due service and despite supply the copy of plaint and documents to the counsel.

Perusal of file reveals that one counsel Sh. Nitin Kumar Solanki was appearing for defendant no.1, but he has not filed any vakalatnama till date.

Learned counsel for defendant no.3 has stated that defendant no.3 will file formal written statement with no objection within two weeks. Be filed accordingly.

Put up for completion of pleadings on 11th May, 2023.

**TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 10, 2023

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