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

+ **FAO 53/2009 and CM APPL. 22760/2019**

SHRI SURINDER SINGHAppellant
Through: Mr. Sahil Agarwal, Adv.

versus

THE STATE OF NCT OF DELHI & ORS.Respondents
Through: Mr. Ayush Tomar, Adv. for R-9

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **21.03.2025**

1. This hearing is being conducted through hybrid mode.

**CM APPL. 14687/2024 – SEEKING EXEMPTION FROM
SUBSTITUTING LRs OF R-4 & 6**

2. This application has been moved on behalf of the applicant/appellant seeking exemption from substituting the legal heirs of the deceased respondents No. 4 and 6, who are stated to have expired during the pendency of the present suit.

3. Learned counsel for the applicant/appellant has alluded to the order dated 16.11.2009, whereby it was noted that the respondents No. 4 and 6 had been served with the notice of the present appeal, but no one put appearance, and accordingly, they have been proceeded *ex-parte*.

4. Insofar as the present application is concerned, it is submitted that the legal heirs of the deceased respondents No. 4 and 6 have given a 'no objection' in favour of the appellant in the suit which was pending before the learned Trial Court.



5. In this regard, learned counsel for the applicant/appellant has referred to the written statement which was filed on behalf of the respondents no. 2 and 6 and forms Anneuxre-I to the present appeal.

6. In view of the above, the present application under Order 22 Rule 4(4) of the CPC is hereby is allowed and the plaintiff is exempted from substituting the legal heirs of the deceased respondents No. 4 and 6.

7. The application stands disposed of.

FAO 53/2009

8. Learned counsel for the respondent No.9 is present on advance notice and he submits that respondent No.9 has since expired on 02.01.2025. the legal heirs of the deceased respondent No.9 be impleaded in accordance with.

9. Let an appropriate application be moved for impleading the legal heirs of the deceased respondent No.9 and effecting service upon them in accordance with law.

10. Re-notify the matter before the Joint Registrar for completion of service on the legal heirs of the deceased respondent No.9 as well as for completion of pleadings on 28.04.2025.

11. Re-notify the matter before this Court on 13.08.2025.

DHARMESH SHARMA, J.

MARCH 21, 2025

Sp/sa