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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 98/2021 and IA No. 2178/2021 (application filed by the plaintiff u/O XXXIX Rules 1 and 2 CPC for ad-interim injunction)

ASHOK TYAGI

..... Plaintiff

Through: Mr. Vishal Maan and Mr. Aakash
Sehrawat, Advocates appeared
physically

versus

NARESH TYAGI & ORS.

..... Defendants

Through: Mr. Birander Singh and Ms. Namrata
Malik, Advocates for Defendant no.1
appeared physically

CORAM:

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

ORDER

28.09.2022

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

IA No. 2005/2022 (application filed by the plaintiff u/O XXII Rule 4 r/w Section 151 CPC for impleading the legal heirs of deceased defendant no.1)

Learned counsel for LR's of deceased defendant no.1 has appeared on advance notice and has stated that he was representing defendant no.1 and he is representing all the LR's of deceased defendant no.1 and LR's of deceased defendant no.1 have no objection to the application. He undertakes to file vakalatnama and death certificate of deceased defendant no.1 within four weeks.



Perusal of the application reveals that defendant no.1 Sh. Naresh Tyagi expired on 03.10.2021 leaving behind the three legal heirs as mentioned in para 2 of the application i.e. Smt. Manju Tyagi (wife), Sh. Himanshu Tyagi (son) and Sh. Deepanshu Tyagi (son).

In view of the abovestated submissions of the parties, the application stands allowed and all the above LRs of deceased defendant no.1 are impleaded as necessary and proper party to the suit as defendant nos. 1(i), 1(ii) and (iii). Amended Memo of Parties is already on record. The concerned official of the Registry is directed to affix the Amended Memo of Parties at the front of the file.

IA stands disposed off.

IA No. 9039/2021 (application filed by the plaintiff u/O VI Rule 17 CPC for amendment of the plaint)

Learned counsel for newly added defendants seeks some more time to file reply. Let reply be filed within four weeks with advance copy to the opposite party.

CS(OS) 98/2021

Written statement of defendant no.1 is already on record.

Learned counsel for the plaintiff has stated that defendant no.3 has been served and he will file affidavit of service within one week.

Put up for completion of pleadings on 7th December, 2022.

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

SEPTEMBER 28, 2022/savita
CS(OS) 98/2021

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