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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2219/1996 & I.As. 7424/1998, 8705/2005, 1175/2006.**
PROBHA KAR & ORS. Plaintiffs

Through: Mr. Pradeep K. Dubey, Mr. Vineeth S. and Mr. Ravindra Kumar Gupta, Advocates.

versus

PRADYUT KAR AND ORS. Defendants

Through: Mr. Mohit Seth and Ms. Priyadarshi Banerjee, Advocates for Defendant No. 1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
07.04.2022

I.A. No. 5450/2022 (u/ Order XXII Rule 1 & 3 r/w Section 151 of CPC seeking bringing on record the sole legal representative of the deceased Plaintiff(ii))

1. Plaintiff (ii) viz. Smt. Sumita Roy has deceased on 23rd January, 2022. The instant application seeks to substitute Plaintiff (ii) through her only son/ Applicant viz. Mr. Soumitra Roy. Mr. Mohit Seth, counsel for the Defendant No. 1 has no objection to the same.
2. The factum of death is supported by the death certificate annexed along with the application. The above-captioned suit, *inter-alia*, seeks partition and thus, the cause of action survives in favour of the Applicant.
3. The application is allowed and disposed of.



4. Let the amended memo of parties be filed within a period of one week from today.

CS(OS) 2219/1996

5. List before the Ld. Joint Registrar on 08th July, 2022 along with the TEST.CAS. 57/1996.

SANJEEV NARULA, J

APRIL 7, 2022

as