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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 179/2014

SURINDER SINGH REKHI

.....Plaintiff

Through: Mr. Anil Sharna & Mr. Sahil Batar,
Advts.

versus

DR. T.S. REKHI & ORS

.....Defendant

Through: Ms. Babita Seth, Adv. for D-2(a) &
2(b). (Mob. No.9811235539 & Email:
babita2000@gmail.com) (through
VC).

None for D-2(c) and LR of D-2(d).

None for LRs of D-5.

None for D-7.

Mr. Divij Andley, Adv. for D-8(b).

Mr. Jai Sahai Endlaw & Mr. Karan
Kumar, Advts. for D-8(c).

None for D-8(a) & 8(e).

None for D-8(d).

None for D-1(i) to (v), D-3(a) to (d),
D-4(a) to (d), D-6(a) to (d) & D-9.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR
GARG (DHJS)**

ORDER

20.10.2022

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**I.A.No.12018/2019 (under Section 151 CPC filed on behalf of the
applicant/Sarita Sarna for exemption from filing the original/
typed copies/fair/margin copies of the documents)**



1. Ld. Counsels appearing for parties today have submitted that they have no objection if the captioned IA is allowed.
2. Ld. Counsel for applicant has submitted that the application under Order I Rule 10 CPC with respect of which the captioned IA was moved, was already allowed.
3. Heard. Subject to all just exceptions, the captioned IA is allowed.
4. The application stands disposed off accordingly.

I.A. No.12666/2020 (under Order 22 Rule 4 r/w Section 151 CPC filed on behalf of the plaintiff for impleading legal heirs of the defendant no.5) &

I.A. No.10102/2021 (under Order XXII Rule 3 r/w Section 151 CPC filed on behalf of the legal heirs of plaintiff to implead legal heir of plaintiff)

1. Notice of the captioned IAs to LR of defendant no.1, LR of defendant no.3, LR of defendant no.4, LR of defendant no.6 and defendant no.9, was dispensed with vide order dated 28.01.2022. On the same day, defendant no.9 had joined the proceedings through video conference and submitted that he has no objection if the captioned IAs are allowed.
2. Perusal of order dated 18.11.2021 would show that Ld. Counsels for defendants no.2(a) & (b) have already submitted that they have no objection if the captioned IAs are allowed.
3. Perusal of order dated 06.01.2022 would show that defendant no.2(c) and sole LR no.(a) of defendant no.2(d) had given their no objection qua the captioned IAs.
4. No objection qua the captioned IA on behalf of LR of defendant no.5 by way of e-mail, was already filed by the plaintiff vide diary



no.935358 dated 20.05.2022.

5. Perusal of order dated 24.12.2020 would show that defendant no.8(c) had given no objection qua IA No.1266/2020 and perusal of order dated 18.11.2021 would show that defendant no.8(c) had also given no objection qua IA No.10102/2021.
6. Perusal of order dated 28.01.2022 would show that no objection qua the captioned IAs was also given on behalf of defendants no.8(a) and 8(e).
7. Defendant no.7 was already served with summons of the captioned IA vide order dated 07.04.2022. Perusal of record would show that notice of captioned IAs issued to defendant no.8(d) through Ld. Counsel remained unserved, however, perusal of order dated 21.02.2022 would show that notice of captioned IAs was already served upon defendant no.8(d) in person through WhatsApp. No reply to the captioned IAs has been filed on behalf of defendant no.7 as well as defendant no.8(d) despite sufficient opportunities. In the present facts, right to file reply to the captioned IAs on behalf of defendant no.7 and 8(d) stand closed.
8. Ld. Counsels for LR of plaintiff has submitted that right to sue survives in favour of LR of the plaintiffs and against LR of the defendant no.5 and therefore, the captioned IAs may be allowed.
9. Heard. Record perused. The plaintiff is stated to have expired on 22.04.2021 leaving behind his class I legal heirs as mentioned in para 4 of IA No.10102/2021. Copy of death certificate of plaintiff is already on record. The defendant no.5 is stated to have expired on 25.06.2020 leaving behind his class I legal heirs as mentioned



in para 4 of IA No.12666/2020. Copy of death certificate of defendant no.5 is already on record. Right to sue survives in favour of LRs of plaintiff and against LRs of the defendant no.5.

10. In view of submissions of Ld. Counsels for LRs of plaintiff and no objection on behalf of above said defendants, LRs of the plaintiff as mentioned in para 4 of IA No.10102/2021 as well as LRs of the defendant no.5 as mentioned in para 4 of IA No.12666/2020 are brought on record. The latest amended memo of parties dated 05.07.2021 filed alongwith IA no.10102/2021 is taken on record.

11. The captioned IAs stand disposed off accordingly.

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1. As per office noting, nothing fresh has been filed.
2. At joint request, re-notify the matter for further proceedings on **15th November, 2022.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 20, 2022/v

Click here to check corrigendum, if any