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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 277/2019 & CM APPL.4937/2023

PREM MEHANI & ANR

..... Appellant

Through: Ms. Tasmiya Taleha, Advocate
(through VC)

versus

HARISH BATRA & ORS

..... Respondent

Through: Mr. Shekhar Gupta and Mr. Shashank
Upadhyay, Advocates for R-1 & 2
(through VC),
Appearance not given by Advocate
for R-4
LR Nos.(a to c) of R-5 in person

CORAM: MS. KAUSHLYA VERMA, REGISTRAR

ORDER

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22.03.2023

CM APPL.4936/2023 (u/O 22 Rule 4 CPC by appellant for bringing on record the LR of deceased respondent Nos.3 and 5 & CM APPL.4938/2023 (seeking condonation of delay of 50 days in refiling CM APP.4936/2023)

It has been stated in the application that the deceased respondent No.3 is survived by three LRs namely, Mr. Prem Mehani (appellant), Mr. Satish Mehani (respondent No.6) and Mr. Manoj Mehani.

Learned counsel for respondent No.4 submits that appellant has not impleaded the wife (Ms. Gyan Devi) of deceased respondent No.3, who is also the mother of appellant. Learned counsel for the appellant

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is directed to furnish the details of Ms. Gyan Devi, who is stated to be wife of deceased respondent No.3. On the same being furnished and taking steps within two weeks, let notice of the application be issued to Mr. Manoj Mehani (as per proposed amended memo of parties) and Ms. Gyan Devi, returnable on 09.05.2023.

Learned counsel for respondent Nos.1 and 2 submits that their execution proceedings are stayed. He further submits that the parties are the family members.

The proposed LR of deceased respondent No.5, namely, Mr. Darpan Mehani, Ms. Rashmi Arora and Ms. Urvashi Jain have appeared in person and submit that remaining proposed LR namely Ms. Nisha Malhotra has also been served but due to her ill health she could not come today. They have produced a copy of death certificate of deceased respondent No.5, which is taken on record. A copy of the same be supplied to opposite parties.

Let reply, if any, be filed by the non-applicants within four weeks with advance copy to learned counsel for the appellant, who may file rejoinder thereto, if any, before the next date.

Re-notify on 09.05.2023.

REGISTRAR

MARCH 22, 2023

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