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

+ **CM(M) 2433/2024**

SHRI GURDIP SINGH MARWAH

..... Petitioner

Through: Mr. Suresh Chand Singhal, Adv. for
P-1, 2, 3, 8(i) & (ii).

versus

SUSHILA KUMARI (DECEASED) THR HER LRS & ORS.

..... Respondents

Through: Mr. Kawaljit Singh Bhatia, Adv. for
R-5(i), (ii) & (iii)

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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29.04.2024

CM APPL. 24740/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2433/2024, CM APPL. 24741/2024--stay

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 08.02.2024 passed by the learned ADJ-01, West District, Tis Hazari Courts, Delhi, in Civ DJ 8030/16 titled as “*Paramjit Kaur vs. Gurdip Singh Marwah*”, whereby the legal heirs of Smt. Sushila Kumari, the plaintiff no.2 have been substituted.
4. Learned counsel for the petitioner submits that earlier 8 applications were moved on behalf of the respondents which already stand dismissed. It



is submitted that an application under Order I Rule 10 CPC was moved thereafter and an erroneous impugned order dated 08.02.2024 has come to be passed by the learned Trial Court.

5. Issue notice.

6. Learned counsel for respondents puts in appearance on advance notice and accepts notice and submits that there is no need to file reply to the present petition and arguments shall be addressed.

7. Parties to file written submissions along with judgments to be relied upon by them, if any, within four weeks, with an advance copy to the opposite side.

8. Learned counsel for the respondents submits that in the previous two applications impugned before this court and decided vide order dated 02.01.2017, this Court has already held that right to sue survives, thus present petition has been filed malafidely.

9. List for hearing on 29.07.2024.

SHALINDER KAUR, J.

APRIL 29, 2024

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