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

+ **CS(OS) 417/2022**

RAJ PAL JAINPlaintiff

Through: Mr. Rishi K. Awasthi, Mr.
Piyush Vatsa and Mr.
Rahul Gupta, Advs.

versus

VED PRAKASH JAINDefendant

Through: Mr. Akshit Sachdeva,
Adv. for D-1&2
Ms. Sayantini Basak, Adv.
for D -3, 4, LRs of D-5, 6
and 7
D-8 deleted from the array
of parties vide order dated
10.11.2022.

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)**

ORDER

10.12.2024

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I.A. No.16073/2022 (by defendants no.1 & 2 u/O VII

Rule 11(a) & (d) & 151 of CPC)

1. Pleadings are complete.

**I.A. 8734/2024 (by LRs of plaintiff for filing additional
documents)**

2. Learned counsel for defendant nos. 1 & 2 submitted
on 28.10.2024 that he does not wish to file reply to the
captioned IA and will address arguments straightaway.
Learned counsel for defendant nos. 3, 4, LRs of defendant
nos. 5, 6 & 7 had submitted on 11.11.2024 that she does
not wish to file reply and will address arguments
straightaway.

I.A. No. 11265/2022 (by plaintiff u/O XXXIX Rules 1 &



2 of CPC)

3. Learned counsel for defendant nos. 1 & 2 has already submitted that he does not wish to file reply and will address argument straightaway. Learned counsel for defendant nos. 3 to 7 had submitted on 11.11.2024 that she does not wish to file reply and will address arguments straightaway.

IA No.47815/2024 u/O XXII R.4 CPC to bring on record LRs of deceased defendant no.1

4. Heard. Issue notice. Learned counsels for LRs of defendant nos.1, 2, 3, 4, LRs of D-5, 6 and 7 accept notice and submit that they have no objection, if the captioned IA is allowed. The application has been filed within the prescribed period of limitation and the present being a suit for partition and declaration, the right to sue survives in favour of legal heirs of deceased defendant no.1. Moreover, no objection has been given by all the defendants. Accordingly, the captioned IA is allowed. Ms. Meenu Jain, Mr. Akshay Jain and Mr. Aayush Jain are brought on record as legal heirs of deceased defendant no.1. Amended memo of parties be filed on record within two weeks.

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5. As per office note, replication to written statement of defendant nos. 3 to 6 filed. Learned counsel for LRs of deceased defendant no.1 submits that he will file his vakalatnama within a week and he further submits that the plaintiff in the replication has incorporated the pleas, which should have been taken in the replication to written statement of defendant nos. 1 and 2. He wishes to file an



appropriate application in this regard. Same be filed.
Pleadings are complete.

6. Joint document schedule along with its hard copy be filed at least a week prior to the next date. Hard copy of the documents, which are e-filed, be filed within four weeks. Parties shall produce the original documents on the next date.

7. Re-notify the matter for admission/denial of documents and marking of exhibits on 28.02.2025.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
DECEMBER 10, 2024/cd**

Click here to check corrigendum, if any