



\$~8

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

+ **CS(OS) 569/2021, I.A. 16484/2023, IA. 2077/2024**

SONA DEVI

..... Plaintiff

Through: Ms. Savita, Adv.
Ms. Vatsala Chauha, Adv.

versus

KISHAN DEVI & ORS.

..... Defendant

Through: Ld. Counsel for D-2 to D-6 (appearance not
given)

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **22.05.2024**

Matter is taken up through physical hearing as well as video conferencing.

I.A. 16484/2023 (Application u/O XXII Rule 2 CPC filed by plaintiff for deletion of name of deceased defendant no.1 from array of the parties)

Pleadings are already complete in this I.A.

Arguments heard. Ld. Counsel for plaintiff has stated that plaintiff and defendants no. 2 to 6 are the only surviving legal heirs of deceased defendant no.1, and are already parties to the suit and there is no other first class legal heir required to be impleaded, hence the name of defendant no.1 may be deleted from the array of the parties.

Ld. Counsel for defendants has stated that though all the first class legal heirs of deceased defendant no.1 are already parties to the suit but as per the Will dated 10.01.2022 executed by deceased defendant no.1, the right of inheritance has been given to defendants no. 2 to 4.



Heard. Perusal of application reveals that this is merely an application for placing on record the factum of death of deceased defendant no.1 and question of inheritance is not required to be decided in this application.

Deceased defendant no.1 Smt. Kishan Dei is stated to have expired on 02.06.2023. There is no dispute that plaintiff and defendants no. 2 to 6 are the first class surviving legal heirs who are already parties to the suit. Therefore, the present application stands allowed and factum of death of deceased defendant no.1 is taken on record. **I.A. stands disposed off.**

IA. 2077/2024 (Application filed by plaintiff under Order XXII Rule 4 CPC for substitution of LRs of deceased defendant no.3)

Ld. Counsel for LRs of deceased defendant no.3 has stated that he has filed vakalatnama on behalf of LRs of deceased defendant no.3. The vakalatnama is lying under objection. Objections be removed within one week, so that it comes on record.

Heard. Ld. Counsel for plaintiff has stated that names of all the first class legal heirs of the deceased defendant no.3 have been mentioned in the application and there are no other legal heirs required to be impleaded except the persons mentioned in the application. It is submitted by Ld. Counsel for LRs of deceased defendant no.3 that LRs of deceased defendant no.3 have no objection to the impleadment.

As per the application, deceased is stated to have expired on **27.10.2023** leaving behind six legal heirs. The application has been filed within limitation period.



Keeping in view the reasons mentioned in the application and the no objection of the opposite party, the application stands allowed and all the legal heirs as mentioned in the application namely (i) Smt. Mamwati (wife), (ii) Mr. Himanshu Nagar (son), (iii) Ms. Tanu Nagar (Daughter) (iv). Smt. Nirmal (wife) (v) Mr. Bhanu Nagar (Son) and (vi) Ms. Poorti Nagar (Daughter) of Late Sh. Rohtash Nagar are impleaded / substituted as necessary and proper parties in place of deceased defendant no.3.

Copy of death certificate of deceased be filed on record within two weeks by LRs of deceased. Amended Memo of Parties has already been placed on record by the plaintiff. Concerned official of Registry is directed to place the hard copy of Amended Memo of Parties at the front of the physical file. **I.A. stands disposed off.**

CS(OS) 569/2021

As per previous orders, Joint Document Schedule has already been e-filed by the plaintiff. Hard copy of documents of plaintiff are on record but hard copy of documents of defendants are not on record. **Defendants are directed to file hard copy of pleadings and documents with the Registry within four weeks.**

Be fixed for admission/denial and marking of exhibits on 02.08.2024. The parties/counsels are directed to appear physically with original documents on the next date of hearing.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

MAY 22, 2024/sm