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

+ **CS(OS) 433/2020, I.As. 12287/2020 & 9018/2021**

RAKESH KUMAR SAXENA Plaintiff

Through: Mr. Sunklan Porwal Mr. Rishabh
Munjal and Ms Surthi Iyer, Advs.
(M. 9312411311)

versus

DR. ASHOK SAXENA & ORS. Defendants

Through: Mr Rajeev Saxena, Mr Saurabh
Raghav Adv. for D-1 (M.
8810604816)
Mr. Saurabh D. Karan Singh & Ms.
Aastha Agnihotri, Adv. for D-2 (M.
8527022200)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **23.01.2024**

1. This hearing has been done through hybrid mode.

I.A.9018/2021 (for impleadment)

2. This is an application seeking impleadment of LR's of Defendant No.2 Ms. Promila Lal. The said application is necessitated as Ms. Promila Lal has unfortunately passed away on 22nd May, 2021. She left behind two legal heirs i.e. her son and a daughter, as her husband Mr. Brij Mohan Saxena had also passed away on 3rd May, 2021.

3. A reply has been filed on behalf of both the son and daughter, as per which, it is submitted by the daughter- Ms. Ritu Saxena that in view of the Will dated 17th June, 2014 only her brother namely Mr. Sunit Lal be impleaded as legal heir in place of Defendant No. 2.



4. Accordingly, Mr. Sunit Lal is impleaded as the Defendant No.2 in the matter as LR of his mother Mrs. Promila Lal.

5. Ld. Counsel for the newly Defendant No.2 submits that his client has challenged the Will dated 17th June, 2014. In any event, in the impleadment application, the merits of the Will are not gone into. Accordingly, the application is allowed in the above terms and is disposed of.

CS(OS) 433/2020 & I.A.12287/2020 (for stay)

6. Copy of the complete paper book be supplied to Id. Counsel for Mr. Sunit Lal to enable him to file the written statement, if required, within 30 days, as per the DHC Original Side Rules. The amended memo of parties be filed within one week.

7. List before the Joint Registrar on 21st March, 2024 for completion of pleadings and admission/denial.

8. List before the Court on 22nd July, 2024.

PRATHIBA M. SINGH, J.

JANUARY 23, 2024/dk/am