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

+ CS(OS) 464/2019 & I.A. No. 12447/2019 (by plaintiff for stay)

UMESH CHANDER SHARMA & ANR.

.....Plaintiff

Through: Mr. Ankit Gupta, Adv. (through VC).

versus

NARESH SHARMA & ORS

.....Defendant

Through: Mr. Saurabh Mishra. Mr. Yashsavi Sharma, Advs. for D-1.

Ms. Jyoti, Adv. for D-2 (through VC).

Mr. Raghav & Mr. Pallav, Advs. for D-3 and proposed LR No.(i) Ms. Sunita Sharma of D-4

Proposed LR No. (ii) Mr. Mohit Sharma of D-4 in person (through VC).

Proposed LR No. (iii) Mr. Megha Sharma of D-4 in person (through VC).

None for D-5.

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. DEVENDER KUMAR GARG (DHJS)

ORDER

19.07.2024

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Proceedings are being conducted through hybrid mode.

Case file has been received from the court of Ms. Shuchi Laler, Ld. Joint Registrar (Judicial) by way of transfer in terms of office order dated 28.06.2024.

I.A. No. 15625/2023 (by plaintiffs u/O XXII Rule 4 CPC for impleadment of LRs of D-4)



1. It was already submitted on behalf of defendants no.1, 2, 3, 5 as well as LRs no.(i) & (ii) of defendant no.4 that they have no objection if the captioned IA is allowed.
2. It is submitted by LR no.(iii) that she does not wish to file any reply to the captioned IA and has no objection if the same is allowed.
3. Ld. Counsel for LR no.(ii) of defendant no.4 submits that he will supply copy of death certificate of defendant no.4 to Ld. Counsel for plaintiff within one week. Let the same be supplied accordingly and thereafter, the same be filed by the plaintiff within four weeks.
4. Pleadings qua the captioned IA are complete.
5. Ld. Counsel for plaintiff has submitted that defendant no.4 has expired on 21.07.2023 and right to sue survives against LRs of defendant no.4, whose details are given in para 2 of the captioned IA.
6. Heard. The factum of death of defendant no.4 has not been disputed by the parties. The details of LRs of the defendant no.4 have been mentioned in para 2 of the captioned IA and the same are also not disputed. Right to sue survives against said LRs of the defendant no.4. Hence, the present application is allowed and LRs of deceased defendant no.4 as mentioned in para 4 of the captioned IA are taken on record. The plaintiff is directed to file amended memo of parties accordingly within four weeks.
7. The captioned IA stands disposed off accordingly.

CS(OS) 464/2019

8. The matter is at the stage of DE in terms of order dated 22.11.2022.



9. Perusal of record was how that matter has not been listed before the Hon'ble Court after 10.02.2023.
10. Let the matter be placed before Hon'ble Court for case management and further directions on **01st October, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JULY 19, 2024/v

Click here to check corrigendum, if any