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

+ **LA.APP. 43/2018**

RAJPAL & ORS

..... Appellant

Through: Mr. Kartik Rai, Advocate

versus

UNION OF INDIA & ANR

..... Respondent

Through: Mr. M.S. Akhtar, Advocate for
Mr. Sanjay Kr. Pathak, Advocate for
respondent No.1
None for respondent No.2.

CORAM: SH. H.K. ARORA, REGISTRAR

ORDER

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22.03.2022

Today's Court proceedings are conducted through physical/hybrid mode.

CM APPL.32206/2020 and CM APPL.2265/2022 (both delay)

These are applications filed by the appellants under Section 5 of the Limitation Act seeking condonation of delay of 300 days and 189 days in filing the applications under Order 22 Rule 3 CPC for bringing on record the legal heirs of deceased appellant No.4-Sh. Jai Pal and legal heir of proposed appellant No.4(B)-Gaurav Lakra respectively.

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Notice of the applications stand served on the respondents.

Mr. M.S. Akhtar, Advocate appearing for respondent No.1 submits that he has no objection to the applications being allowed subject to all just exceptions.

There is no appearance on behalf of respondent No.2 nor they have filed any reply to the applications despite opportunity.

For the reasons stated in the applications and in the absence of any opposition to the applications, the applications are allowed. The delay in filing the applications under Order 22 Rule 3 CPC is condoned.

Applications stand disposed of.

CM APPL.32205/2020 and CM APPL.2264/2022 (both u/O 22 Rule 3 CPC)

These are applications filed by the appellants under Order 22 Rule 3 CPC seeking substitution of legal heirs of deceased appellant No.4-Sh. Jai Pal as well as proposed appellant No.(B)-Gaurav Lakra, who are stated to have died on 25.03.2019 and 27.03.2021 respectively. Copies of the death certificates have been annexed to the applications. The details of legal heirs of deceased appellants have been mentioned in para 2 of each of the applications.

Notice of the applications stand served on the respondents.

Mr. M.S. Akhtar, Advocate appearing for respondent No.1 submits that he has no objection, if the applications are allowed subject to all just exceptions and proposed legal heirs being taken on record.



There is no appearance on behalf of respondent No.2 nor they have filed any reply to the applications despite opportunity.

For the reasons stated in the applications and in the absence of any opposition to the applications, the applications are allowed subject to all just exceptions. The legal heirs of deceased appellant No.4 and proposed appellant No.4(B), as mentioned in the applications, are substituted as appellants No.4 and appellant No.4(B) respectively in this appeal. Amended memo of parties filed at page No.143 is taken on record.

Applications stand disposed of.

LA.APP. 43/2018

List this matter before the Hon'ble Court in the category of 'Regular Matters' as per its seniority.

REGISTRAR

MARCH 22, 2022

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