



\$~13

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

+ **CS(OS) 623/2022**

NUPUR RUSTAGI & ORS.Plaintiffs

Through: **Mr. Hari Kishan and Mr.
Akash Sharma, Advs.**

versus

PRABODH KUMAR RUSTAGI & ORS.....Defendants

Through: **Mr. Raghav Goel, Adv. for
D-2 (through VC)
Mr. Gurpreet Singh, Adv.
for proposed D-4
Mr. Saurav Goel, Adv. for
proposed D-5**

CORAM:

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

%

**ORDER
08.08.2024**

**Case file received from the court of Sh. Devender
Kumar Garg, learned Joint Registrar (Judicial) by way
of transfer in terms of office order signed by learned
Registrar (Original) on 28.06.2024.**

**IA No. 16607/2022 u/O XXXIX R.1 & 2 CPC by
plaintiff and IA No. 16608/2022 u/O XXXII R.1 CPC**

1. Pleadings are complete

**IA No. 21709/2022 u/O I R.10 r/w Order VI R.17 CPC
by plaintiff**

2. Pleadings are complete

CS(OS) 623/2022

3. As per office note nothing fresh filed. It is submitted



that defendant no.1 has expired on 22.02.2024.

4. Learned counsel for plaintiff submits that there is no requirement to file any application for substitution of LR's of deceased defendant no.1 as defendant nos. 2&3 are the legal heirs of defendant no.1 who are already on record. In support of his contention, he has placed reliance on the judgment titled as "**Musammat Hifsa Khatoon and Others V. Mohammad Salimar Rahman and Others**" **AIR 1959 Patna 254.**

5. Learned counsel for defendant no.2 submits that he needs to take instructions from his senior counsel in this regard.

6. Re-notify the matter for further proceedings on 20.09.2024.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
AUGUST 8, 2024/cd**

Click here to check corrigendum, if any