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

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

NUPUR RUSTAGI & ORS.Plaintiffs

Through: Ms. Pooja Chaudhary,
proxy counsel (through
VC)

versus

PRABODH KUMAR RUSTAGI & ORS.....Defendants

Through: Mr. Raghav Goel and Mr.
Sidharth Sharma, Adv. for
D-2
Mr. Gurpreet Singh Gulati,
Adv. for proposed D-4
Mr. Sudhanshu Tyagi,
Adv. for proposed D-5
None for D-1 and 3 (D-1
stated to have expired)
(Right of defendant no.3 to
file WS was closed vide
order dated 11.09.2023)

CORAM:

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

ORDER
20.09.2024

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**IA No. 16607/2022 u/O XXXIX R.1 & 2 CPC by
plaintiff and IA No. 16608/2022 u/O XXXII R.1 CPC &
IA No. 21709/2022 u/O I R.10 r/w Order VI R.17 CPC
by plaintiff**

1. Pleadings are complete.

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2. As per office note nothing fresh filed. It was
submitted on the last date (08.08.2024) that defendant no.1
has expired on 22.02.2024.



3. Learned counsel to plaintiff had submitted on 08.08.2024 that there is no requirement to file any application for substitution of LRs 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 had placed reliance on the judgment titled as **“Musammat Hifsa Khatoon and Others V. Mohammad Salimar Rahman and Others” AIR 1959 Patna 254.**

4. Learned counsel for defendant no.2 and learned counsels for proposed defendant nos. 4 & 5 submit that they have no objection, if the request of the plaintiff is allowed.

5. Admittedly, the legal heirs of deceased defendant no.1 are already party to the present suit i.e. defendant nos. 2 & 3, hence, an entry to that effect be made in terms of Order XXII Rule 2 CPC.

6. On 20.05.2024, it was submitted before the Hon’ble Court by proposed defendant nos. 4 & 5 that they have sold the property and the plaintiff was directed to take further steps. No such steps have been taken. Plaintiff shall take appropriate steps in compliance of order dated 20.05.2024 of the Hon’ble Court.

7. The file may be placed before the Hon’ble Court on date already fixed i.e. 14.10.2024, for further directions.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 20, 2024/cd**

[Click here to check corrigendum, if any](#)