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

+ **CS(COMM) 526/2019**

KANWARJI CONSTRUCTION CO

..... Plaintiff

Through: Ms. Amrita Tiwari & Mr. Abhishek
Pandey, Advs

versus

DELHI DEVELOPMENT AUTHORITY

Defendant

Through: Ms. Beenashaw N. Soni with Mansi
Bhatia, Adv for DDA.

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

12.02.2021

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[Virtual Court Hearing]

IA No. 2108/2021 (Under Order XXII Rule 3 CPC to bring on record the legal heir of the plaintiff and taking Amended Memo of Parties on record)

Learned counsel for defendant accepts notice of IA and submits that she does not wish to file reply to the IA and has no objection, if application of plaintiff is allowed.

Argument on IA heard. Record perused.

Plaintiff is a proprietorship firm and proprietor of plaintiff is stated to have expired on 01.06.2020. By way of this application, Smt Indra Devi, wife of deceased plaintiff seeks to substitute herself in place of deceased plaintiff to pursue the present case.

Death certificate alongwith affidavits of No Objection of other LR's have already been filed alongwith the IA. The application is well



within time.

For the reasons stated in the application, instant application filed by applicant is hereby allowed.

Amended Memo of Parties be filed within a week.

IA stands disposed of accordingly.

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Learned counsel for parties submit that another application under Order VIII Rule 1 CPC for seeking condonation of delay in filing of written statement is also pending. Same is taken up for hearing.

IA No. 10551/2020 (u/O VIII Rule 1 CPC filed by defendant for seeking condonation of delay in filing of written statement)

Defendant was served on 17.10.2019 and written statement was filed on 27.01.2020. However, same has been filed within 120 days.

For the reasons stated in the application and submissions made, delay in filing of written statement by defendant is hereby condoned, in the interest of justice, subject to payment of cost of Rs 1,000/-.

IA stands disposed of accordingly.

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Replication to the written statement of defendant be filed by plaintiff within stipulated time period.

Renotify on the date already fixed in the case i.e. on 17.03.2021.

VANDANA JAIN (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 12, 2021
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