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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 665/2022 & I.A. No. 17489/2022 (u/O XV-A Rule 1
of CPC)

BASANT KUMAR JAIN

.....Plaintiff

Through: Mr. Sudhir Naagar, Advocate for
Mrs. Suman Jain, proposed LR of
plaintiff.

versus

ANUJA HOODA JAIN & ANR.

.....Defendant

Through: Mr. Abhay Dixit, Adv. for D-1.
(through VC)
Mr. Manu Padalia, Adv. for D-2 &
proposed D-3 Master Arihan.

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

ORDER
10.01.2024

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**I.A. No. 14056/2023 (by LR of plaintiff u/O XXII Rule 3
r/w Section 151 CPC for impleading them as LR of the
plaintiff)**

1. As per office noting, vakalatnama was filed on behalf of Master Arihan Mittal.
2. Ld. Counsel for defendant no.2 and proposed defendant no.3 Master Arihan Mittal has submitted that he does not wish to file any reply to the captioned IA and he has no objection if the captioned IA is allowed and Mrs. Suman Jain is brought on record as LR of the deceased plaintiff Mr. Basant Kumar Jain.
3. Ld. Counsel for defendant no.1 submits that without admitting the Will dated 05.01.2021 allegedly executed



by plaintiff namely Mr. Basant Kumar Jain, he has no objection if the captioned IA is allowed and his wife Mrs. Suman Jain is brought on record as LR of the deceased plaintiff.

4. Pleadings in the captioned IA are complete.
5. Ld. Counsel for Mrs. Suman Jain, proposed LR of the plaintiff has submitted that original plaintiff namely Mr. Basant Kumar Jain had expired on 09.03.2023 and during his lifetime, he had executed and got registered Will dated 05.01.2021 in favour of his wife Mrs. Suman Jain with respect to the suit property. He has further submitted that right to sue survives in favour of LR of the deceased plaintiff, therefore, she may be impleaded as LR of the plaintiff in the present matter.
6. Heard. Perusal of record would show that copy of death certificate of plaintiff and copy of Will dated 05.01.2021 have been filed alongwith the captioned IA. The factum of death of deceased plaintiff is not disputed by the parties. Right to sue survives in favour of LR of the deceased plaintiff.
7. Keeping in view the facts & circumstances of the case and without prejudice to the rights & contentions of both the parties, Mrs. Suman Jain is impleaded as LR of the plaintiff in the present matter.
8. It appears that amended memo of parties filed alongwith the captioned IA is not proper. Ld. Counsel for plaintiff seeks time to file proper amended memo of parties. Let proper amended memo of parties mentioned Mrs. Suman Jain as LR of deceased plaintiff namely Mr. Basant Kumar Jain, be filed within four weeks.



9. The captioned IA stands disposed off accordingly.

I.A. No. 23184/2023 (by defendant no.1 u/S 151 of CPC for condonation of delay of 09 days in filing written statement)

10. Today the captioned IA is listed for consideration.

11. Issue notice. Ld. Counsel for LR of plaintiff accepts notice of the captioned IA and seeks time to file reply to the same. Let the reply be filed within four weeks and rejoinder thereto be filed within two weeks thereafter.

CS(OS 665/2022) & I.A. No. 17488/2022 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC)

12. Written statement and affidavit of admission/denial were filed on behalf of defendant no.1. However, application for condonation of delay in filing the same is pending for consideration on behalf of defendant no.1.

13. Ld. Counsel for defendants no.2 and 3 has submitted that he does not wish to file any reply to the captioned IA.

14. No reply to the captioned IA has been filed on behalf of the defendant no.1. Time sought. Let the same be filed within four weeks as last opportunity and rejoinder thereto be filed within two weeks thereafter.

15. Re-notify the matter for completion of pleadings and further proceedings on **04th April, 2024**.

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

JANUARY 10, 2024/v

Click here to check corrigendum, if any