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

+ **CS(OS) 588/2019**

SANJAY GUPTA & ANR.

.....Plaintiffs

Through: Mr. Avinash Das, Adv. (through
VC)

versus

SHARVAN KUMAR & ORS.

.....Defendants

Through: D-1 is stated to have expired.
Mr. Brajesh Dwivedi and Mr.
Prashant Diwan, Advs. for LR of
D-1 (Mob. No.9084244244 and E-
mail : advdiwans@gmail.com)
(through VC).
Mr. Rahul Aggarwal, Adv. for D-4
Right of D-1 & 2 to file WS was
already closed vide order dated
28.08.2019.

CORAM:

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

O R D E R

09.10.2024

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Proceedings are being conducted through hybrid mode.
Regular stenographer is on leave today.

**I.A. No. 41852/2024 (by plaintiff u/O XXII Rule 4 CPC
for impleadment of LR of deceased D-1) &**

**I.A. No. 41853/2024 (by plaintiff for condonation of delay
of 188 days in re-filing IA no. 41852/2024)**

1. Ld. Counsel for defendant no.4 as well as Ld. Counsel for proposed LR of deceased defendant no.1 accept notice of the captioned IAs and submit that they do not wish to file any reply to the same and have no objection if the same is allowed.



2. Ld. Counsel for plaintiff has submitted that defendant no.1 has expired and he has been survived by his son namely Mr. Kapil Kumar and he is sole legal heir of the deceased defendant no.1. He has further submitted that right to sue survives against LR of deceased defendant no.1 and he may be impleaded as LR of the deceased defendant no.1.
3. Heard. For the reasons stated in the application and in view of above submissions, delay in re-filing IA No. 41852/2024 is condoned. There is no dispute regarding factum of death of deceased defendant no.1. Right to sue survives against LR of deceased defendant no.1. Hence, IA No.41852/2024 is allowed and Mr. Kapil Kumar, son of deceased defendant no.2, is brought on record as LR of deceased defendant no.1. The amended memo of parties filed alongwith captioned IAs is taken on record.
4. The captioned IAs stand disposed off accordingly.

I.A. No. 21204/2022 (by plaintiffs u/O XXXIX Rule 2-A of CPC against respondents i.e. (i) Insp. Satish Kumar, (ii) SI Yograj Dalal, (iii) ASI Gurcharaj, (iv) HC Ravi Khari and (v) Ct. Azad Singh)

5. At joint request, re-notify captioned IA for consideration on next date of hearing.

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6. Perusal of record shows that written statements were already filed on behalf of defendants no.3 to 5.
7. The plaintiff has not deposited cost of Rs.3,000/- in Delhi High Court Legal Service Committee in terms of order dated 12.07.2024. Learned counsel for plaintiff submits that he has paid the costs and he will file the deposit receipt within four weeks. Let appropriate steps be taken.



8. Let joint document schedule including hard copy be filed two weeks before next date of hearing.
9. All the parties shall file hard copy of their documents within two weeks before the next date of hearing.
10. Re-notify the present matter for further proceedings on **17th December, 2024.**

DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)

OCTOBER 9, 2024/PU

Click here to check corrigendum, if any