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

+ **CS(OS) 635/2019**

ARUN KUMAR JAIN

..... Plaintiff

Through: Ms. Chandrika Gupta, Advocate
alongwith plaintiff appeared
physically

versus

PADAM CHAND JAIN & ORS

..... Defendants

Through: Mr. Shantnu Aggarwal, Advocate for
Defendant no.1 appeared physically
Mr. Shekhar Gupta and Mohd.
Shahbaz, Advocates for Defendant
nos. 8(b) and 8(c) appeared physically
Mr. Yogesh Jain, Advocate for LR
of deceased defendant no.11 appeared
physically

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH,
(DHJS)**

ORDER

03.08.2022

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Matter is taken up through physical hearing as well as video conferencing.

The file has been received by way of transfer from the Court of Ms. Surya Malik Grover, Learned Joint Registrar (Judicial)-4, as per circular dated 25.05.2022 of Deputy Registrar (Original), reference:- Roster of the Joint Registrar (Judicial) w.e.f. 31.05.2022.

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IA No. 842/2021 (application filed by defendant no.1 u/O VIII Rule 9 CPC r/w Section 151 CPC seeking to file subsequent proceedings/additional written statement in opposition to the written statement filed by defendant nos. 2 to 5)

This application has been filed by defendant no.1 for permission to file written statement in response to the written statement filed by defendant nos. 2 to 5.

Reply not filed by the opposite parties. Let reply be filed within three weeks with advance copy to the opposite parties.

IA No. 3762/2021 (u/O XXII Rule 4 CPC seeking substitution of deceased defendant nos. 6 –Smt. Darshan Mala Jain)

Fresh notice be issued to all the LR's of deceased defendant no.6 on filing of PF within seven days, by all permissible modes including electronic mode and *dasti*. Affidavit of service be filed atleast one week before the next date of hearing.

IA No. 12625/2021 (u/O XXII Rule 4 CPC seeking substitution of deceased defendant no.11- Smt. Usha Rani Jain)

Learned counsel for the plaintiff has stated that defendant no.11 expired on 30.04.2021 and this application has been filed for impleadment of LR's of deceased defendant no.11, but detailed address of other legal heirs of deceased defendant no.11 was not available with the plaintiff, due to which, only name and address of Sh. Yogesh Jain (son of deceased defendant no.11) was mentioned in the application.



Today, Sh. Yogesh Jain has appeared in response to the notice and has stated that he has prepared affidavit in compliance of the order dated 05.05.2022 and he has mentioned detailed address of other legal heirs of deceased defendant no.11. He has stated that he had two sisters namely Smt. Vandana Jain and Smt. Poonam Jain who have already expired, but details of their legal heirs have been mentioned in the affidavit. He is directed to file the affidavit on record of the Registry and to supply the copy of the affidavit to plaintiff as well as other defendants.

Learned counsel for the plaintiff undertakes to take appropriate steps for service of other legal heirs of deceased defendant no.11.

Put up for completion of pleadings on 23rd November, 2022.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

AUGUST 3, 2022
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