



\$~9

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

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

ARUN KUMAR JAIN

..... Plaintiff

Through: Ms. Chandrika Gupta, Advocate
appeared physically

versus

PADAM CHAND JAIN & ORS

..... Defendants

Through: Mr. Shantnu Aggarwal, Advocate for
Defendant no.1 appeared physically
Mr. Vijay Kasana, Advocate for
Defendant nos. 2 to 5, 7,8(A), 9,
10(a), 10(c) and proposed LR's of
deceased defendant no.11 appeared
physically
Mr. Shekhar Gupta, Advocate for
Defendant nos. 8(b) and 8(c)
appeared physically

CORAM:

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

ORDER

23.11.2022

%

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

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

The legal heir Sh. Yogesh Jain, of deceased defendant no.11-Smt. Usha Rani Jain, has not filed affidavit in respect of other legal heirs of deceased defendant no.11 as per order dated 03.08.2022.

Learned counsel for LR Sh. Yogesh Jain has undertaken to file affidavit alongwith vakalatnama within 15 days. Copy of the same be supplied to learned counsel for the plaintiff, to enable her to take further



steps for impleadment of remaining legal heirs of deceased defendant no.11. Copy be also supplied to all the opposite parties.

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

As per file noting, notice of this IA to legal heirs of LR deceased Smt. Vijay Laxmi Jain (the deceased LR of defendant no.6) have been served namely (a) Sh. Ravindra Kumar Jain (husband), (b) Sh. Sanjeev Kumar Jain (son), (c) Sh. Rajeev Kumar Jain (son) and (d) Ms. Shefali Jain (daughter) on 18.10.2022. But notice to other legal heirs of LRs of deceased defendant no.6 is awaited. Affidavit of service has not been filed by the plaintiff as per the last order.

At request, fresh notice be issued to all the remaining legal heirs of LRs of deceased defendant no.6, on filing of PF, 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. 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)

Reply has not been filed by the opposite parties. No further time can be granted for filing reply. **Right to file reply is closed.**

Put up for arguments on the IA on 3rd February, 2023.

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

NOVEMBER 23, 2022/savita
CS(OS) 635/2019

Page 2 of 2