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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 635/2019

ARUN KUMAR JAIN

.....Plaintiff

Through: Mr. Anant Chaitanya Dutta, Adv.

versus

PADAM CHAND JAIN & ORS

.....Defendants

Through: Mr. Shantanu Aggarwal, Adv. for
D-1 (through VC)

Mr. Shekhar Gupta, Adv. for D-8(b)
& (c) (through VC).

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

17.11.2025

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Proceedings are being conducted through hybrid mode.

**I.A.No. 8686/2025 (by plaintiff/applicant u/O XXII Rule
4 r/w Section 151 CPC for Substitution of legal heirs of
deceased defendant no. 6nn. Smt. Raj laxmi jain and
Defendant no. 6(iii), Shri Nirmal kumar jain)**

1. Ld. Counsel for defendant no. 1 and defendant no. 8 (b) & (c) have already submitted that they don't wish to file reply and they have no objection to the captioned IA.
2. The notice of the captioned IA issued to LR's of defendant no. 6(iii) (a) to (d) have been served upon 06.08.2025.
3. No reply has been filed by the other defendants. Therefore, their right to file the reply stands closed.
4. Heard. As per the submissions made in the application, defendant no. 6(ii) Smt. Raj Laxmi Jain had passed away on 10.12.2024 and defendant no. 6(iii) had passed away of 3.05.2024. Defendant no. 6 (ii) had died intestate



leaving behind following LRs:

- (a) Mr. Ashish Jain (Son)
- (b) Ms. Nidhi Jain (Daughter)
- (c) Ms. Charu Jain (Daughter)

5. Defendant no. 6 (iii) had died intestate leaving behind following LRs:

- (a) Mrs. Sarita Jain (Widow)
- (b) Mr. Akshay Jain (Son)
- (c) Mr. Amit Jain (Son)
- (d) Mr. Abhishek Jain (Son)

6. This is a suit for partition and injunction and therefore the right to sue survives against/in favour of the LR of deceased defendant no. 6(ii) & defendant no. 6 (iii).

7. In view of the above discussion, the LR of defendant no. 6(ii) & defendant no. 6 (iii) as mentioned in the captioned IA are substituted in place of defendant no. 6(ii) & defendant no. 6 (iii). Requisite entry be made in respect of LR of defendant no. 6(ii) & defendant no. 6 (iii). Plaintiff is directed to file amended memo of parties.

8. Learned counsel for plaintiff submits that the amended memo of parties has already been filed.

9. The captioned IA is disposed off accordingly.

I.A. 10762/2024 (u/O XII Rule 6 r/w Section 151 of CPC, 1908 and Section 3 of Limitation Act, 1963 by Defendant No. 1 for judgment on admissions)

10. It is submitted that the matter is coming up for hearing before the undersigned on 04.12.2025.

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11. Ld. Counsel for plaintiff submits that application for



impleadment of LRs of Defendant no.6 (v) Sh. Ravi Jain has been filed. The same is not listed yet.

12. Re-notify the matter for further proceedings on 22nd December, 2025.

GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)
NOVEMBER 17, 2025/PU
[Click here to check corrigendum, if any](#)