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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 196/2008

PURUSHOTTAM GOEL & ANR. Appellant

Through: Ms. Mala Goel, Advocate
(9312401950)

versus

SHIV SHANKER AGGARWAL & ORS. Respondent

Through: Mr. Kanwarpreet Singh, Advocate
(through VC)

CORAM: MS. KAUSHLYA VERMA, REGISTRAR

ORDER

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04.05.2023

CM APPL.53042/2022 (u/O 22 Rule 3 CPC)

The present application has been moved by the applicants seeking their substitution as LR's in place of deceased appellant No.1. The details of proposed LR's of deceased appellant No.1 are mentioned in para 2 of the application, which comprise widow of deceased appellant No.1, two sons and two daughters. It is stated in the application that there are no other LR's of deceased appellant No.1 except those mentioned in the application.

Mr. Kanwarpreet Singh, Advocate appearing for respondent Nos.1, 3 and proposed LR's of deceased respondent No.2 submits that he has no objection if this application is allowed. Consequently, the application is allowed and the proposed LR's of deceased appellant No.1, as mentioned in para 2 of the application, are brought on record.

Amended memo of parties filed by the learned counsel for the appellants is incorrect as the name of respondent No.9-Smt. Prem Lata, as mentioned in the original memo of parties filed along with the

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appeal, has not been incorporated. Let the correct amended memo of parties be filed before the next date.

Application stands disposed of.

CM APPL.55556/2019 (delay)

The instant application has been moved by appellants seeking condonation of delay of 2009 days in moving the application being CM APPL.34557/2022 for bringing on record the proposed LR's of deceased respondent No.2-Sh. Hari Shanker Bansal.

It is stated in the application that the appellants were not aware that respondent No.2 had expired on 13.03.2014 therefore they could not move the requisite application within the stipulated period. The present appeal was admitted on 31.08.2009 and has remained pending Regular category.

Further, it is stated in the application that appellant No.2 received two copies of the application under Order 22 Rule 4 read with Section 151 CPC from LR's of deceased respondent No.2 stating that they are the LR's of respondent No.2, who expired on 13.03.2014 and praying for their substitution.

Today, Mr. Kanwarpreet Singh, Advocate appears for respondent Nos.1, 3 and proposed LR's of deceased respondent No.2 and submits that he has no objection if the present application is allowed.

For the reasons stated in the applications and no objection accorded by learned counsel for the respondents, who is appearing for the proposed LR's of deceased R-2 as well, the instant application is

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allowed. The delay is condoned in filing the application being CM APPL.34557/2022.

Application stands disposed of.

CM APPL.55557/2019 (u/O 22 Rule 4 CPC by appellants for bringing on record the proposed LR's of deceased respondent No.2)

The instant application has been moved by the appellants for bringing on record the proposed LR's of deceased respondent No.2- Sh. Hari Shanker Bansal. The details of proposed LR's of deceased respondent No.2 are mentioned in para 7 of the application, which comprise his widow, two sons and one daughter.

Mr. Kanwarpreet Singh, Advocate appearing for respondent Nos.1, 3 and proposed LR's of deceased respondent No.2 submits that he has no objection if this application is allowed. He further submits that there are no other class-I LR's of deceased respondent No.2 except those mentioned in the application. Consequently, the application is allowed and the proposed LR's of deceased respondent No.2 are brought on record.

Application stands disposed of.

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List for compliance in regard to filing of correct amended meo of parties, on 26.05.2023.

REGISTRAR

MAY 4, 2023

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