



\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1651/2016**
DAYA CHANDPetitioner

Through: Mr.Kanwar Udai Bhan Singh,
Advocate for applicants/ LR nos. (a, b
& d)
Ms.Rajul Jain, Advocate for LR
no.(c)-Sh.Vijay Sehrawat.

versus

AIRPORTS AUTHORITY OF INDIA & ORSRespondents

Through: Mr. Digvijay Rai and Ms.Vidhi Walia,
Advocates for R-1
Ms.Mansi Jain, proxy counsel for
Ms.Beenashaw N. Soni, ASC for R-3
None for R-2

CORAM: SH. SANJAY KUMAR SHARMA, REGISTRAR

ORDER

% **20.04.2023**

Today's Court proceedings are conducted through physical/hybrid mode.

CM APPL. 8153/2023 (u/O 22 Rule 3 CPC)

This application has been filed by LR no. (c) namely Sh.Vijay Sehrawat seeking substitution of LR nos. (c & d) namely Sh.Vijay Sehrawat and Mr.Virender Sehrawat to the exclusion of LR nos. (a & b) Smt. Birma Devi and Smt. Prakash Dabas of deceased petitioner.

It is stated in the application that petitioner has executed his last will on 12.08.2014 thereby bequeathing the subject property in the name of his two sons i.e. LR nos.(c & d) to the exclusion of his wife and daughter namely Smt.Birma Devi and Smt. Prakash Dabas respectively.

Now by way of reply/rejoinder, LR nos. (a, b & d) have stated that they have no objection if Sh.Vijay Sehrawat and Sh.Virender Sehrawat are substituted as LR's of deceased petitioner Sh.Daya Chand. In support of their submissions they have filed their respective affidavits also.



Counsel for LR no.(c) of deceased petitioner states that she has no objection to the application being allowed.

Accordingly, in the absence of any opposition, the application is allowed.

Amended memo of parties filed along with the application is taken on record.

Application stands disposed of.

CM APPL.30008/2022 (condonation of delay)

This is an application under Section 5 of the Limitation Act filed by the applicants for condonation of delay 35 days in filing the application under Order 22 Rule 3 CPC.

It is stated in the application that petitioner had expired on 06.04.2021 during Covid-19 pandemic. That Hon'ble Supreme Court in a *suo moto* petition has excluded a period from 15.03.2020 to 28.02.2022 for the purpose of computing the limitation in all judicial and quasi judicial proceedings. Thereafter in the month of May, 2022, the husband of Smt. Prakash Dabas (daughter of deceased petitioner) also expired. Therefore, with effect from 04.06.2022 till 01.07.2022, steps could not be taken to file application under Order 22 Rule 3 CPC.

Counsels for respondent nos. 2 & 3 have already stated that they have no objection to the application being allowed. However, respondent no.1, Airport Authority of India has objected to the application on the ground that there is a delay of about 14 months in filing the application under Order 22 Rule 3 CPC.

Heard the counsels for the parties, considering the provisions of Limitation Act as applicable to the proceedings under Article 226 of the Constitution of India, and for the reasons stated in the application, I am



satisfied that application deserves to be allowed.

Accordingly, the application is allowed and delay is condoned.

CM APPL.30007/2022

This is an application under Order 22 Rule 3 CPC filed by the applicants seeking their substitution as LR's of deceased petitioner. A copy of the death certificate has been annexed with the application. Along with the application, the surviving member certificate has also been enclosed which shows that there are four LR's of deceased petitioner i.e. wife, two sons and one daughter.

Counsels for respondent nos. 2 & 3 have already stated that they have no objection to the application being allowed.

Counsel for respondent no.1 has objected to the application only on the ground of delay in filing the application, which delay has already been condoned.

In view of the order passed in CM APPL.8153/2023 thereby allowing substitution of LR nos. (c & d) namely Sh.Vijay Sehrawat and Mr.Virender Sehrawat, this application is partly allowed.

Application stands disposed of.

Amended memo of parties filed along with CM APPL.8153/2023 is taken on record.

W.P.(C) 1651/2016

Pleadings in the matter are complete.

List the matter before the Hon'ble Court on 21.04.2023, the date already fixed, for further directions.

REGISTRAR

APRIL 20, 2023/sk