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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 2170/2006

KUMARI SEHEJ GUPTA & ANR.

..... Plaintiff

Through: Mr. Sachin Saini, Adv.
(Mobile No.9034003020 & E-mail ID jagdevsinghadvocate@gmail.com)
(appeared through VC)

versus

SHRI M.L. GUPTA & ORS.

..... Defendant

Through: Mr. I.A. Alvi & Mr. S. Sachar,
Advs. for D-3
Mr. S. Debabrata Reddy & Ms.
Tara Narula, Advs. for D-5, who
is also one of the LR's of D-1

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)

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ORDER
27.01.2023

IA No.2335/2022 (Application on behalf of the counsel for the defendant no.1 (since deceased) under Order 22 Rule 10A of CPC intimating the death of the defendant no.1 and for discharge from the case)

1. As per office note of 14/11/2022, defendant no.4 has been served through ordinary mode on 04/11/2022.

IA No.2203/2022 (Application under Order XII Rule 4 read with Section 151 CPC for substitution of legal representatives of defendant no.1 namely Late Sh. M. L. Gupta)

2. As per office note of 14/11/2022, defendant no.4 has been served through ordinary mode on 04/11/2022.



3. As per office note, ~~nothing~~ fresh has been filed.
4. As per office note, PF has not been filed.
5. Defendant no.3 and defendant no.5, who are also the LRs of deceased defendant no.1, accept notice of the captioned IA and submit that they have no objection, if the captioned IA is allowed.
6. Heard. Record is perused.
7. It is averred in the application that the defendant no.1 has passed away on 03/05/2021 leaving behind three legal heirs i.e. Mr. Anupam Gupta (son), Mr. Manish Gupta (son) and Ms. Vandana Batra (daughter), who are already defendant no.3, 4 & 5 respectively. The captioned IA was filed on 01/02/2022. The captioned IA is formal in nature and the right to sue survives in favour of plaintiff and against the LRs of defendant no.1. Copy of death certificate of defendant no.1 has also been filed. Learned counsel for defendant no.3 & 5 have furnished their no objection and submitted that the aforesaid LRs of deceased defendant no.1 are already defendant no.3, 4 & 5 in this case.
8. In view of above, the captioned IA is allowed. LRs of deceased defendant no.1, who are already arrayed as defendant no.3, 4 & 5, are impleaded as LRs of deceased defendant no.1. Let amended memo of parties be filed within two weeks with advance copy to the other side.
9. IA stands disposed of.

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10. The matter is at the stage of plaintiff's evidence.
11. Learned counsel for plaintiff submits that he will take



steps for issuance of summons to be served upon the concerned clerk employee of Bank of Tokyo for proving account details as per list of witnesses. Let steps be taken on behalf of the plaintiff for the next date of hearing.

12.Re-notify the matter for plaintiff's evidence on **16th March, 2023.**

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 27, 2023/nk
Click here to check corrigendum, if any