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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 617/2006**
MRIDUL AGGARWAL

..... Plaintiff
Through: Mr. Rajesh Aggarwal, Adv. (appeared
through VC)

versus

PRABHA DEVI GUPTA & ORS.

..... Defendant
Through: Ms. Ankita Patnaik, Adv. for LR
No.(i)/Ms. Anshu Gupta of D-2
(appeared through VC)
Mr. Mukul, LR No.(ii) of D-2 in
person.
Mr. Avi Lakra, Adv. for LR
No.(iii)/Ms. Deepali of D-2
(appeared through VC)
Mr. Siddhan Nahata, Adv. for D-3
(Mobile No.9811089111)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. SHUCHI LALER,
(DHJS)

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ORDER
02.09.2022

**IA No.8734/2020 (Application under Order 22 Rule 4 CPC r/w
Sec. 151 CPC filed on behalf of plaintiff for bringing on record
the LRs of defendant no. 1)**

1. Learned counsel for plaintiff submits that though in the title of the



present application, it is mentioned that legal representatives of deceased defendant no.1 be brought on record, it is an inadvertent and typographical error, the plaintiff intends to bring on record the legal representatives of deceased defendant no.2 and in the application, wherever defendant no.1 is mentioned, it be read as defendant no.2.

2. In the application, it is stated that the son of defendant no.2 had informed on 27/08/2020 that the defendant no.2 has expired. It is averred that defendant no.2 has left behind his wife/Ms. Anshu Gupta, his son/Mr. Mukul Gupta and his daughter/Smt. Deepali Gupta. Reply to the application has been filed by LR No.(i)/Ms. Anshu Gupta & LR No.(ii)/Mr. Mukul wherein they have stated that they have no objection to they being brought on record as LRs of deceased defendant no.2.
3. Learned counsel for LR No.(i)/Ms. Anshu Gupta and LR No.(ii)/Mr. Mukul submit that they have no objection to the present application being allowed without prejudice to their rights and contentions. Learned counsel for LR No.(iii)/Ms. Deepali Gupta had already submitted on 13/05/2022 that he has no objection to the application being allowed. Learned counsel for defendant no.3 had also submitted on 17/02/2021 that he has no objection to this application being allowed.
4. The defendant no.2 Mr. Piyush expired on 17/06/2020. The present application has been filed within stipulated period. The instant is a suit for partition and right to sue survives in favour of legal heirs of defendant no.2. Moreover, in view of no objection given by



legal heirs of defendant no.2, the captioned IA is allowed. Ms. Anshu Gupta, Mr. Mukul and Smt. Deepali Gupta are brought on record as legal representatives of defendant no.2. Amended memo of parties is already on record.

5. IA is accordingly disposed off.

CS(OS) 617/2006

6. Re-notify the matter for cross-examination of DW-5 on **24th November, 2022.**

**SHUCHI LALER, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

SEPTEMBER 2, 2022/nk

[Click here to check corrigendum, if any](#)