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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2744/2013

RAJINDER SINGH

..... Petitioner

Through: Mr. Pramod Kumar, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondent

Through: Mr. Rajesh Mahajan with Mr. Peeyush
Bhatia, Advocates for respondent No.1
Ms. Diksha Lal, Advocate for
respondent No.3
Mr. Amitabh Kr. Verma, Advocate for
respondent Nos.4, 6 and LR's of
deceased respondent No.5

CORAM: SH. LORREN BAMNIYAL, REGISTRAR

ORDER

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01.03.2017

CM No.24727/2016 (u/O 22 R 4, r/w Sec.151 CPC)

This is an application under Order 22 Rule 4 CPC for bringing on record the LR's of deceased respondent No.5, who is stated to have died on 19.06.2013. Original death certificate is placed at page No.345A of Volume-II of the file.

Petitioner had earlier moved an application being CM No.7176/2015 for bringing on record the LR's of deceased respondent. Subsequently, petitioner also moved an application being CM No.6441/2016 seeking condonation of delay in moving the application for bringing on record the LR's of deceased respondent

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No.5. The application seeking condonation of delay was allowed on 02.06.2016 subject to payment of cost. Learned counsel for the petitioner undertakes to pay the cost to respondent Nos.4 to 6 within one week. Subsequently, CM No.7176/2015 was withdrawn since the wife of the deceased was not impleaded as LR. Thereafter, petitioner has filed the present application seeking to implead the legal heirs of deceased respondent No.5 which now include his wife and three sons. Learned counsel for the applicants submits that apart from the legal heirs named in the application, there are no other legal heirs of the deceased respondent No.5.

Notice of the application stands served on the respondents. Reply to the application has been filed only on behalf of respondent Nos.4, 6 and proposed legal heirs of respondent No.5 objecting to the application primarily on the ground of delay, which already stands condoned vide order dated 02.06.2016 and no other respondent has filed the reply. The main relief sought by the petitioner in the writ petition is that respondent Nos.4 to 6 have raised illegal and unauthorised construction over the Government land bearing Khasra No.208 and 209, Village Lado Sarai, Mehrauli, New Delhi and proposed legal heirs of deceased respondent No.5, who are sought to be impleaded by way of this application are stated to be the persons, presently residing in one such property. The delay already having been condoned and with the cause of action surviving against the legal heirs, therefore, the application is allowed subject to just exceptions and the proposed legal heirs of the deceased respondent



No.5, as mentioned in the application, are substituted as respondents No.5 in the writ petition. Amended memo of parties filed alongwith the application is not correct. Petitioner to file the correct amended memo of parties within two weeks.

Application stands disposed of.

CM No.10483/2014

This application already stands disposed of vide order dated 19.09.2014. Registry is directed not to show the application in the cause list.

CM No.6442/2016 (u/O 1 R 10 r/w Sec.151 CPC for impleading the respondent/new party)

This is an application under Order 1 Rule 10 CPC seeking impleadement of new respondent, who is stated to be brother of respondent No.6.

None of the respondent has filed the reply to the application. Even though, learned counsel for DDA alongwith Law Officer are present in court.

Learned counsel for the respondents submits that notice of the application is not served on proposed respondent No.7.

On the applicant taking steps within a week, issue notice of the application to the proposed respondent-Manjit, by ordinary process as well as speed post, returnable on 09.05.2017.



W.P.(C) 2744/2013

Learned counsel for LR's of deceased respondent No.5 seeks some more time to file the counter affidavit. Let the same be filed within four weeks with advance copy to learned counsel for the petitioner, who may file rejoinder thereto, if any, within two weeks thereafter.

Re-notify on 09.05.2017.

REGISTRAR

MARCH 01, 2017

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