

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10445/2006

M/S SAWHNEY RUBBER INDUSTRIES Petitioner

Through: Mr. Vivek Chauhan, Advocate for
Mr. Anurag Lakhotia, Advocate

versus

OM PRAKASH & ORS. Respondent

Through: Mr. R.P. Sharma, Advocate

CORAM: SH. LORREN BAMNIYAL, REGISTRAR

ORDER

% **19.02.2020**

CM No.4090/2020 (delay)

This is an application under Section 5 of the Limitation Act seeking condonation of delay of 326 days in filing the application under Order 22 Rule 3 CPC for bringing on record the proposed legal heirs of deceased petitioner.

Notice.

Mr. R.P. Sharma, Advocate accepts notice on behalf of the respondent and submits that they do not wish to file any reply to the application and that they have no objection to the application being allowed and the delay in filing the application under Order 22 Rule 3 CPC being condoned.

In the absence of any opposition and for the reasons stated in the application, the application is allowed and the delay of 326 days in filing the application under Order 22 Rule 3 CPC for bringing on record the legal heirs of the deceased proprietor of petitioner-firm is condoned.

Application stands disposed of.

CM No.4091/2020 (u/O 22 R 3 CPC)

This is an application under Order 22 Rule 3 CPC filed by the applicants seeking their substitution as petitioners in the writ petition in place of deceased proprietor of petitioner firm, who is stated to have died on 02.12.2018. A copy of the death certificate has been filed alongwith the application. The details of the legal heirs are mentioned in para 3 of the application, which include his wife, two sons and one daughter. Learned counsel for the applicants submits that apart from the legal heirs mentioned in the application, there are no other legal heirs of the deceased proprietor of petitioner firm.

Notice.

Mr. R.P. Sharma, Advocate accepts notice on behalf of the respondent and submits that they do not wish to file any reply to the application and that they have no objection to the application being allowed and the applicants being substituted as petitioners in the writ petition.

Accordingly, in the absence of any opposition to the application, the application is allowed subject to just exceptions and the proposed legal heirs of the deceased petitioner as mentioned in the application, are substituted as petitioners in the writ petition.

Petitioners to file the amended memo of parties within a week.
Application stands disposed of.

W.P.(C) 10445/2006

List the matter before the Hon'ble Court in the category of
'Regular Matters' as per its seniority.

REGISTRAR

FEBRUARY 19, 2020

vk