



\$~107

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

+ **CM(M) 3683/2024**

PAWAN LMMAR SHARMA & ANR.

.....Petitioners

Through: Mr. Viraj Datar, Sr. Advocate with
Mr. Rakesh Sherawat, Mr. Ankit
Singh and Mr. Danish Ali, Advocates.

versus

VIMLA DEVI & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

22.10.2024

%

CM APPL. 62131/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM(M) 3683/2024 & CM APPL.62132/2024 (stay)

1. One Sh. Dal Chand and his wife Smt. Vimla Devi have filed a suit seeking declaration, damages and permanent and mandatory injunction. Such suit was filed by them against their three sons.
2. Unfortunately, during the pendency of the above said suit, plaintiff No.1 died on 06.05.2021 and after his death, all his LR's i.e. his three sons, one daughter and widow have been impleaded in place of plaintiff No.1.
3. It is contended that after the death of plaintiff No.1, the right to sue and pursue the present suit came to naught because of the fact that all the defendants became Class-I heir of the plaintiff No.1 and,

CM(M) 3683/2024

1



therefore, in view of law of succession, the legal capacity of lessor or licensee does not survive and, therefore, there should not have been any substitution and the suit could not have been continued so far as it related to the property of plaintiff No.1.

4. When asked, it was also apprised by learned counsel for the petitioner, on instructions, that both the sides had even tried to amicably settle the matter during the pendency of the civil suit but there was no fruitful outcome.

5. Issue notice to respondents through all permissible modes including dasti, returnable on 29th January, 2025.

MANOJ JAIN, J

OCTOBER 22, 2024
st