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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 459/2007

MOHAN KUKREJA & ANR Appellant

Through: None

versus

HAR BILAS THRU HIS LRS Respondent

Through: Mr. Surinder Jain, Advocate

(9312414473)

CORAM: MS. KAUSHLYA VERMA, REGISTRAR

ORDER

% **10.02.2023**

CM APPL.42611/2019 (u/O 22 Rule 1 CPC)

The present application has been filed by the appellants seeking setting aside the abatement against the deceased respondent No.1-Smt. Baikunthi Devi, who is stated to have died on 01.06.2016, leaving behind her LRs, who are already arrayed as respondent Nos.2 to 6.

The enabling provision to move an application seeking a relief of the kind mentioned in the instant application is Order 22 Rule 2 CPC whereunder, inter alia, the factum of death of one of two or more respondents is to be recorded on the judicial file of the case provided other surviving respondents are already arrayed as respondents.

In the present case, respondent No.1- Smt. Baikunthi Devi expired on 01.06.2016.

Accordingly, the fact of death of respondent No.1 is brought on record.

Application stands disposed of. Page 1 of 2.



CM APPL.42623/2019 (u/O 22 Rule 4 CPC moved by appellants to bring on record the proposed LR's of deceased respondent No. 5) & CM APPL.42624/2019 (delay).

Pleadings be completed by the parties before the next date.

Re-notify on 11.07.2023.

REGISTRAR

FEBRUARY 10, 2023

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