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

+ **CS(OS) 915/2009 & CCP(O) 69/2016.**

SHRI SHIVRAJ GUPTA AND ANOTHER Plaintiffs

Through: Mr. Ankur Mahindro, Mr. Megha Agarwal and Mr. S. Chaudhry, Advocates for the Applicant - Mr. Jayant Gupta in I.A. No 4923/2022.

versus

HANSRAJ GUPTA & CO. PVT. LTD. Defendant

Through: Mr. Soham Kumar and Ms. Prarthana Singhania, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **30.03.2022**

I.A. No. 4924/2022 (seeking condonation of delay of 238 days in filing the accompanying application u/ Order XXII Rule 4 r/w Section 151 of CPC)

1. For the grounds and reasons stated in the application and in view of no objection from the counsel for the Plaintiff, the application is allowed and the delay of 238 days in filing the I.A. 4923/2022, stands condoned.

2. Accordingly, the application stands disposed of.

I.A. 4923/2022 (u/ Order XXII Rule 2 r/w Section 151 of the Code of Civil Procedure, 1908 [hereinafter "CPC"] filed on behalf of Applicant/ Mr. Jayant Gupta

3. By way of the instant application, the Applicant viz. Mr. Jayant Gupta seeks to be impleaded in the capacity of the sole legal representative of the



deceased Defendant viz. Sh. Shivraj Gupta.

4. Mr. Ankur Mahindro, counsel for the Applicant states that the Applicant is the sole beneficiary by virtue of the registered Will executed by late Shivraj Gupta. He, however, does not dispute that the deceased Defendant is survived by two daughters in addition to the Applicant.

5. According to the Applicant, there is no dispute *qua* the Will in question. Mr. Soham Kumar, counsel for the Plaintiff controverts and submits that daughters of late Shivraj Gupta have in fact written a letter to the Company Secretary of the Plaintiff-Company making a claim in respect of the estate of the deceased Defendant.

6. In the circumstances, issue notice to the daughters of the deceased Defendant viz. Ms. Avanti Pandit and Ms. Arti Kirloskar, by all permissible modes, upon filing of process fee and the addresses with the Registry for purpose of issuing the notices, returnable on 30th May, 2022.

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7. Re-notify on 30th May, 2022.

SANJEEV NARULA, J

MARCH 30, 2022

as