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

+ **CS(OS) 1895/2012**

MAYA SHANKER GUPTA Plaintiff

Through: Mr. Sajal Dutt, Adv.
(through VC)

versus

SHAKUNTALA GUPTA & ORS Defendants

Through: Mr. Utkarsh Batra, Adv.
for D-1, 2, 3, 6 & 7
None for D-4 & 5

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)**

ORDER

24.05.2024

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**IA No. 24513/2023 u/s 151 CPC by defendant no.5
seeking exemption from filing certified copies**

1. Learned counsel for plaintiff submits that he has no objection if the captioned IA is allowed. Heard. In view of no objection, the captioned IA is allowed subject to just exceptions.

**IA No. 12076/2023 u/O XXII R.3 CPC by LR's of
plaintiff**

2. Vide order dated 29.02.2024, learned predecessor observed that learned counsels for defendant nos. 2, 3, 6 & 7 and defendant no.5 (c) to (f) have given their no objection. Learned counsel for defendant nos. 5 (a) and (b) had given their no objection to the captioned IA on 29.02.2024.

3. The right of defendant no.4 to file reply has already been closed. Learned counsel for defendant no.1 submits



that defendant no.1 has already expired and his legal heirs i.e. defendant nos.2, 3, 6 & 7 are already party to the present suit.

4. Arguments heard. Record perused. The plaintiff expired on 11.04.2023 and the captioned IA has been filed on 03.07.2023. The application is well within time.

5. The present is a suit for partition, consequently, the right to sue survives in favour of legal heirs of plaintiff. There is no contest to the captioned IA by the defendants. Accordingly, the application in hand is allowed. Legal heirs of plaintiff namely Smt. Himani Gupta, Smt. Shivani Oberoi, Sh. Pankaj Gupta and Sh. Vivek Gupta are brought on record. Amended memo of parties filed along with the captioned IA is taken on record.

IA No.20929/2023 u/O XI R.14 and 15 CPC directing defendant nos. 2 & 3 to file documents by LRs of defendant no.5.

6. Learned counsel for plaintiff submits that as no relief has been sought against the plaintiff, he does not wish to file reply to the captioned IA.

7. Learned counsel for defendant nos.2 & 3 submits that he has not been supplied with the copy of the captioned IA. Last and final opportunity is granted to LRs of defendant no.5 to supply the copy within a week against acknowledgment. Reply be filed within two weeks thereafter. Rejoinder, if any, be filed within a week thereafter.

8. List for arguments on the captioned IA on the next date.

IA No. 24550/2023 u/O XXII R.4 (2) CPC for filing



written statement by LRs of deceased defendant no.5

9. Learned counsel for plaintiff submits that he has no objections if the captioned IA is allowed. In view of no objection the captioned IA is allowed. Written statement be filed by LRs of deceased defendant no.5 within four weeks. Replication be filed as per law.

IA No. 10107/2024 u/O XXII R.4 CPC to bring on record LRs of deceased defendant no.2

10. As per office note, notice has been served upon learned counsel for defendant nos. 1, 2, 3, 6 & 7 and on defendant nos.4 (a) and (b) on 14.05.2024. Defendant no.4 (c) remains unserved.

11. Reply be filed by defendant no.1, 2, 3, 4 (a), 4 (b), 5 (a) to (f), 6 & 7 within four weeks. Rejoinder, if any, be filed within a week thereafter.

12. Issue notice of the captioned IA to defendant no.4 (c) through all permissible modes on filing of PF and on fresh address of defendant no.4 (c), if any, filed by the plaintiff returnable for the next date. At request, notice be also given dasti.

13. List for appearance of defendant no. 4 (c)/consideration of captioned IA on 16.08.2024.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
MAY 24, 2024/cd**

Click here to check corrigendum, if any