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

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

MAYA SHANKER GUPTA

..... Plaintiff

Through: Mr. Sunil Dutt Dixit, Adv.
(Mobile No.7292005634 & e-mail ID sddoffice2@gmail.com)

versus

SHAKUNTALA GUPTA & ORS

..... Defendant

Through: Mr. Utkarsh Batra, Adv. for D-1,
2, 3, 6 & 7 (Mobile
No.9868312818 e-mail ID
uppallawyer@gmail.com)
Mohd Haris Taslim and Ms.
Preeti Singh, Advs. for LR's of D-
5 with Mr. Nitin Gupta & Mr.
Ashok Gupta, LR's of D-5 in
person.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

27.08.2024

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**IA No. 10107/2024 (u/O XXII R.4 CPC to bring on
record LR's of deceased defendant no.2)**

1. As per office note, notice issued to defendant no.1, 3, 4C and defendant no.7 has been served.
2. Service report of the notice issued to defendant no.6 received back unserved with the report 'not residing in the building'.
3. No reply to the captioned IA has been filed.
4. Learned counsel for LR's of defendant no.2 submits that



he has no objection, if the captioned IA is allowed.

5. Heard. Record perused.
6. It is averred in the captioned IA that the defendant no.2/Sh. Shrinivas Gupta passed away on 31/03/2024 leaving behind the following legal heirs i.e.
 - (i) Smt. Charu Gupta – wife
 - (ii) Sh. Suren Gupta – son &
 - (iii) Sh. Viren Gupta – son
7. The captioned IA has been filed on behalf of the plaintiff on 02/05/2023. The same has been filed within the stipulated period of limitation.
8. After the death of the defendant no.2, right to sue survives in favour of the plaintiff and against the LRs of defendant no.2.
9. In view thereof, the captioned IA is allowed. LRs of defendant no.2 are brought on record.
10. Let amended memo of parties, if not filed earlier, be filed within two weeks.
11. IA stands disposed of.

I.A. 37067/2024 (under Order XXXIX Rule 1 & 2 CPC filed on behalf of the plaintiffs)

12. It is submitted that the captioned IA is coming up before the Hon'ble Court on 25/09/2024.
13. Let the pleadings be completed as per the directions of the Hon'ble Court passed vide order dated 22/08/2024.

I.A. 31821/2024 (under Order VI Rule 17 and Order I Rule 10 r/w Section 151 CPC filed on behalf of the plaintiffs for amendment of the plaint)

14. No reply to the captioned IA has been filed.
15. Let reply to the captioned IA be filed within two weeks



with advance copy to the opposite side.

16.Rejoinder, if any, be filed within a week thereafter.

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

17.Learned counsel for plaintiff had already submitted that he does not wish to file reply to the captioned IA.

18.Learned counsel for LR of defendant no.2 seeks time to file reply to the captioned IA.

19.Let reply to the captioned IA be filed within two weeks with advance copy to the opposite side.

20.Rejoinder, if any, be filed within a week thereafter.

21.Learned counsels for the parties submit that the matter may be placed before the Hon'ble Court on the date already fixed and they will make appropriate submissions before the Hon'ble Court.

22.At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **25th September, 2024.**

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 27, 2024/nk

Click here to check corrigendum, if any