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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3835/2014**
AJIT SINGH BAWA AND ANRPetitioners
Through: Mr.Arjun Singh Bawa and
Ms.Sambhavi, Advocates

versus

DELHI DEVELOPMENT AUTHORITY AND ORS ...Respondents
Through: Ms.Apoorva Gaur, Advocate for R-1
Mr.Vaibhav Dang, Advocate for R-4
and R-3 (a)

CORAM: SH. SANJAY KUMAR SHARMA, REGISTRAR

ORDER

% **04.05.2023**

Today's Court proceedings are conducted through physical/hybrid mode.

CM APPL. 18337/2022 (u/O 22 Rule 3 CPC qua petitioner no.2)

This is an application under Order 22 Rule 3 CPC filed by the applicants seeking their substitution as legal heirs of deceased petitioner no.2-Dr.Pushpa Khanna, who is stated to have died on 16.07.2021. A copy of the death certificate has been annexed with the application.

It is stated in the application that petitioner no.2 is survived by Mr.Vishu Khanna and Ms.Manjula Bhasin, the children of her pre-deceased brother Late Sh.Onkar Nath Khanna.

Counsel for the applicants states that the applicants are the only surviving legal heirs of Late Dr. Pushpa Khanna, under the Hindu Succession Act.

It is already stated on behalf of respondent no.1 that they do not wish to file any reply to the application and they have no objection to the application being allowed.

No reply has been filed on behalf of respondent nos. 2, 3 (b & c), 5 & 6



despite opportunities.

Reply stands filed on behalf of respondent no. 4 only.

Counsel for the applicants/petitioner has relied upon the Test Case No.21/2022 filed by the applicants in this Hon'ble Court wherein applicant no.1 namely Sh.Vishnu Khanna is engaged as Administrator during the present proceedings in the Test Case to safeguard the estate of Late Dr.Pushpa Khanna, petitioner no. 2 herein.

On the other hand, counsel for the respondents contends that the applicants have not given details of other LRs of deceased petitioner no.2. He relies on the autobiography of Dr.Pushpa Khanna titled "My Legacy" wherein it is claimed that deceased petitioner no.2 had three brothers and three sisters.

Heard.

In view of the submissions made by counsel for the parties and for the reasons stated in the application. I am satisfied that the applicants deserve to be substituted as LRs of deceased petitioner no.2

Accordingly, the application is allowed and LRs of deceased petitioner no.2 are permitted to be brought on record.

Application stands disposed of.

Amended memo of parties be filed within a week.

W.P.(C) 3835/2014

List the matter before the Hon'ble Court on 09.05.2023, the date already fixed, for further directions.

REGISTRAR

MAY 4, 2023/sk