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

+ **LA.APP. 280/2007**

SUNDER S/O SH. MOLAR & ORS

..... Appellant

Through: Ms. Maldeep Sidhu, Advocate

versus

U.O.I & ANR

..... Respondent

Through: Mr. Rahul Kumar, proxy counsel for
Mr. Yeeshu Jain, Advocate for
respondent No.1
Mr. Shray Nargotra, proxy counsel for
Mr. Kunal Sharma, Advocate for R-2

CORAM: SH. SANJAY KUMAR SHARMA, REGISTRAR

ORDER

% 22.04.2022

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

CM APPL.9191/2020 (delay) & CM APPL.9193/2020 (delay in re-filing)

CM APPL.9191/2020 is an application under Section 5 of the Limitation Act filed by the appellants seeking condonation of delay of 77 days in filing the application under Order 22 Rule 3 CPC.

CM APPL.9193/2020 is an application under Section 151 CPC filed by appellants seeking condonation of delay of 33 days in re-filing the application under Order 22 Rule 3 CPC.

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Notice of the applications stand served on the respondents.

It has already been stated on behalf of respondent No.2-DDA that they do not wish to file any reply.

Mr. Rahul Kumar, proxy counsel for Mr. Yeeshu Jain, Advocate appearing for respondent No.1 submits that he has no objection to the applications being allowed.

Accordingly, in the absence of any opposition to the applications, the same are allowed. The delay in filing and re-filing the application under Order 22 Rule 3 CPC is condoned.

Applications stand disposed of.

CM APPL.9190/2020 (u/O 22 Rule 3 CPC)

This is an application under Order 22 Rule 3 CPC filed by the appellants seeking substitution of legal heirs of deceased appellant No.4(1)(a)-Sh. Jai Narain Malik, who is stated to have died on 28.07.20219. A copy of the death certificate has been annexed to the application. The details of legal heirs of deceased appellant No.4(1)(a) are mentioned in para 3 of the application.

Learned counsel for the appellants submits that apart from the legal heirs mentioned in the application, there are no other legal heirs of deceased appellant No.4(1)(a).

Notice of the application stands served on the respondents.

It has already been stated on behalf of respondent No.2-DDA that they do not wish to file any reply.



Mr. Rahul Kumar, proxy counsel for Mr. Yeeshu Jain, Advocate appearing for respondent No.1 submits that he has no objection to the application being allowed and the legal heirs of deceased appellant No.4(1)(a) being taken on record.

Accordingly, in the absence of any opposition to the application, the same is allowed. The legal heirs of deceased appellant No.4(1)(a), as mentioned in the application, are substituted as appellants No.4(1)(a). Learned counsel for the appellants is directed to file amended memo of parties within two weeks.

Application stands disposed of.

LA.APP. 280/2007

List this matter before the Hon'ble Court in the category of 'Regular Matters' as per its seniority.

REGISTRAR

APRIL 22, 2022

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