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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 66/2014**

GURSARAN SINGH OBEROI

.....Petitioner

Through: Mr. Gorang Goyal, Adv. (Mobile
No.9871863446)

versus

STATE AND OTHERS

.....Respondents

Through: None for R-1
R-2 & 3 have expired.
Mr. Akshay Thakur, Adv. for R-4
(Mobile No. 9711505029)
None for R-5 to 6

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)

ORDER

% **31.01.2022**

Court hearing convened via video conferencing on account of Covid-19

IA No. 11234/2018 (under Order XXII Rule 3 CPC)

1. Reply to the captioned IA not filled by the respondent no.5.
2. No objection has already been indicated on behalf of the respondent no.2, 4 & 6.
3. Death certificate of respondent no.3 is not filed by the petitioner. Learned counsel for the petitioner submits that the same is not available with the petitioner. Respondent no.4, who is one of the LRs of respondent no.3, may file copy of death certificate of respondent no.3, if available, well before the next date.



4. Heard on the application.
5. It is averred that the respondent no.3 expired on 25/04/2018 and is survived by three legal representatives, who are already respondent no. 4, 5 & 6. Right to sue survives against the legal representatives of respondent no.3.
6. In view of submissions, the application is allowed and factum of death of respondent no.3 is taken on record. The respondent no.3 shall now be represented by the respondent no.4, 5 & 6.
7. Let the amended memo of parties indicating the date of death of respondent no.3 and the fact that she will now be represented by respondent no.4, 5 & 6, be filed within two weeks from today.
8. IA stands disposed off.

I.A.No.1565/2022 (under Order XXII Rule 4 CPC filled on behalf of the petitioner for impleadment of legal heirs of the respondent no.2 as parties)

1. Learned counsel for the respondent no.4, who is also one of the LRs of respondent no.3, accepts notice of the captioned IA and submits that he has no objection in case the application is allowed.
2. Issue notice of the captioned IA to the respondent no.1, respondent no.5 and respondent no.6 through counsel and to the LRs of respondent no.2 as per details given in the application through all permissible modes, on steps being taken by the petitioner, returnable for **29th March, 2022**.

TEST.CAS. 66/2014

1. An application for impleadment of legal heirs of respondent no.2 is pending consideration.



2. Re-notify the matter for further proceedings on **29th March, 2022**.

JANUARY 31, 2022/nk

**JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

[Click here to check corrigendum, if any](#)