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* IN THE HIGH COURT OF DELHI AT NEW
DELHI
+ CS(OS) 2222/2012

BAL KRISHAN GHANI Plaintiff

Through: Mr. Mandeep Singh,
Advocate alongwith
plaintiff appeared
physically

versus

INDERJEET GHAI & ORS. Defendants

Through: Ms. Anupam Srivastava
and Mr. V. Misra,
Advocates for Defendant
nos. 1 o 3 appeared
physically
Mr. Imran Khan, Advocate
for Defendant nos. 4(i), (ii)
and (iii) appeared
physically

CORAM:
**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA
SINGH, (DHJS)**

ORDER
13.02.2023

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*Matter is taken up through physical hearing as well as
video conferencing.*

**IA No. 17850/2022 (application filed by the plaintiff u/O 22
Rule 4 r/w Rule 9 and Section 151 CPC for substituting on
record the LRs of deceased defendant no.4/Smt. Anju Sethi)**

And

**IA No. 17851/2022 (application filed by the plaintiff u/S 5 of
the Limitation Act)**

These applications have been filed by the plaintiff for
substitution of legal heirs of deceased defendant no.4 Smt. Anju
Sethi and for condonation of delay in filing the application for
substitution.

CS(OS) 2222/2012

Page 1 of 2



Learned counsel for the plaintiff has stated that he has already filed copy of death certificate of deceased defendant no.4, according to which she expired on 31.05.2020. He has further stated that alongwith the present application, he has filed copy of application under Order 22 Rule 4 CPC which was filed by LR of deceased defendant no.4 in December, 2021 for their impleadment, but it was returned under objections and has not been re-filed till date.

Learned counsel for LR of deceased defendant no.4 has appeared and stated that he has already filed vakalatnama vide Dy. No. 230244 dated 10.02.2023 on behalf of all legal heirs and he has no objection to the present applications.

On the other hand, learned counsel for defendant nos. 1 to 3 has stated objected that the application is hopelessly time barred as defendant no.4 had expired on 31.05.2020.

Defendant nos. 5, 6 and 7 are formal defendants.

Since the application has been filed by the plaintiff after expiry of limitation period from the date of death of deceased defendant no.4 and the question of abatement of proceedings against defendant no.4 has arisen, the applications be put up before the Hon'ble Court on 10th March, 2023, for further directions.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 13, 2023
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