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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA(OS) 51/2018

SANTOSH KUMAR JAIN

..... Appellant

Through Mr. Ashok Gurnani, Advocate

versus

KIRAN JAIN & ORS

..... Respondents

Through Mr. Shekhar Nanavaty, Advocate for
LRs of respondent no. 9

CORAM:

SH. ANIL KUMAR KOUSHAL, REGISTRAR

ORDER

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12.03.2020

CM APPL. 6594/2019 (u/O XXII Rule 4 Sub Rule 4 CPC)

This is an application filed by the appellant seeking exemption from bringing on record the LRs of deceased respondent no. 9, stated to have expired on 10.1.2018, on the ground that respondent no. 9 was proceeded ex-parte in the suit proceeding vide order dated 28.9.2012 for not filing the written statement in the Suit proceedings. It is the contention of the appellant that only after filing of the present appeal on 20.9.2018, the appellant came to know that respondent No.9 had expired. Therefore, at the time of filing of the appeal, her name was included as one of the respondents.

It is the admission of counsel for the appellant that after being proceeded ex parte in the suit proceedings, respondent No.9 had participated in the said proceedings till the judgment was pronounced.

Reply to the application has been filed on behalf of LRs of deceased respondent no. 9, opposing the application for exemption. Rejoinder thereto has also been filed on behalf of the appellant.

Since disputed questions of fact and law are involved, list this application before the Hon'ble Court for appropriate orders on 15.04.2020, the date already fixed.

REGISTRAR

MARCH 12, 2020/sk