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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 264/2016**
MR NARENDER KUMAR Plaintiff
Through None.
versus
MRS RAJ RANI MITTAL & ORS Defendant
Through None.

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **23.10.2020**

The matter has been taken up through physical hearing in terms of directions vide Circular no.500/RG/DHC/2020 dated 08.10.2020.

IA No.13742/2019 u/O XXII R 4 r/w Section 151 CPC moved by plaintiff

Submissions already heard.

The captioned IA is for bringing on record the LRs of deceased defendant no.4. It is not disputed that defendant no.4 has expired on 23.07.2019. The captioned IA has been moved within time on 18.09.2019.

It is not disputed that defendant no.4 is survived by the LRs mentioned in para no.3 of the captioned IA.

After some arguments, the proposed LRs have already given their no objection to the captioned IA.

Even otherwise, it is sought to be urged by the LRs that share of defendant no.4 in the suit property is not disputed by any party to the suit and the presence of LRs of defendant no.4 is not required in the facts of the case. However, the present suit is for partition of

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immovable property bearing no.M-291, G. K. II, New Delhi. Furthermore, even as per the LRs of defendant no.4 the share of defendant no.4 in the suit property is undivided and undemarcated. The right to sue thus does not survive against the surviving defendants alone.

Accordingly, the captioned IA is disposed of as allowed to the extent that LRs of deceased defendant no.4 as mentioned in para no.3 of the captioned IA are brought on record. Amended memo of parties, if not filed earlier, be filed within three weeks.

IA stands disposed of.

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Re-notify the matter for PE on 19.02.2021.

**SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 23, 2020/ab

Click here to check corrigendum, if any