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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 358/2018**
KISHAN LAL

.....Appellant
Through: Mr. Rakesh Makhija and Ms.
Suhani Gupta, Advs.

versus
NATHU RAM & ORS

.....Respondent
Through: Mr. S.K. Jain, Adv. for R-1.
Mr. Virender Singh, Adv. for
R-2, LRs of R-3 (i) (i and ii)
and R-4.
Mr. Shashi Pratap Singh and
Ms. Aiswharya Bhatia, Advs.
for R-5.

CORAM:
JOINT REGISTRAR (JUDICIAL) BHAWANI SHARMA

ORDER
% **25.08.2025**

File is placed before this Court vide order dated 11.05.2023 of the Hon'ble Court for completion of service of remaining respondents.

CM No. 27032/2024 (for impleadment of LRs of deceased R-3(i))

CM No. 27033/2024 (for condonation of delay)

As per office note, vakalatnama on behalf of LR no. (ii) of R-3 has been filed, reply-cum-no objection on behalf of LR nos. (ii) and (iii), R-1, R-2 and R-4 has been filed.

Learned counsels for the respondents/LRs submit that they have no objection if the applications are allowed.

For the reason stated in the application seeking condonation of delay, the same is allowed and delay in filing CM No. 27032/2024 is condoned. Application bearing CM No. 27033/2024 is disposed of.

Now the CM No. 27032/2024 is taken up for consideration. R-3(i) has expired on 11.09.2023. He is survived by his son and daughter. It is submitted that deceased R-3(i) is not survived by any



other class-I legal heirs except the applicants. The right to sue survives against the surviving LRs. No objection has been raised by the respondents/LRs.

Hence, application is allowed.

Amended Memo of Parties be filed within one week.

CM No. 50604/2023 (for impleadment of LRs of deceased R-3)

CM No. 50605/2023 (for condonation of delay)

As per office note, vakalatnama on behalf of LR no. (ii) of R-3 has been filed, reply-cum-no objection on behalf of LR nos. (ii) and (iii), R-1, R-2 and R-4 has been filed.

Learned counsels for the respondents/LRs submit that they have no objection if the applications are allowed.

For the reason stated in the application seeking condonation of delay, the same is allowed and delay in filing CM No. 50604/2023 is condoned. Application bearing CM No. 50605/2023 is disposed off.

Now the CM No. 50604/2023 is taken up for consideration. R-3 has expired on 19.05.2023. She is survived by her husband, one son and one daughter. It is submitted that deceased R-3 is not survived by any other class-I legal heirs except the applicants. The right to sue survives against the surviving LRs. No objection has been raised by the respondents/LRs.

Hence, application is allowed.

Amended Memo of Parties be filed within one week.

FAO 358/2018

Matter is coming up for hearing before the Hon'ble Court on 14.10.2025. Be placed accordingly.

**BHAWANI SHARMA
JOINT REGISTRAR
(JUDICIAL)**

AUGUST 25, 2025/yo