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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2734/2011

MANOJ KUMAR

..... Plaintiff

Through Mr Samir Sagar, Advocate

versus

OM PRAKASH

..... Defendant

Through Mr Deepak Kr.Sharma, Advocate

CORAM:

SH. ANIL KUMAR (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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27.03.2019

IA No. 15571/18 (filed by plaintiff u/O XII R 4 CPC r/w 151 CPC for substitution of LR of deceased defendant)

None appeared on behalf of other LR's except wife despite service of notice.

By way of present IA plaintiff has sought substitution of LR of deceased defendant who alleged to have expired on 12.8.18.

In IA it has been stated that deceased defendant left behind wife, two sons and three daughters. In reply to present IA filed by wife of deceased defendant it has been alleged that deceased defendant left behind a Will and property involved in present suit has been bequeathed to her and one son namely Sushil Kumar.

Execution of this Will and this averment is not disputed by plaintiff.

I find that cause of action survives only against wife and son Sushil Kumar of deceased defendant.

In view of these facts wife Bimla Devi & son Sushil Kumar are substituted in place of deceased defendant.

Accordingly IA stands disposed off.

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Plaintiff is directed to file fresh memo of parties.

Both parties may contact Local Commissioner and get fixed date for recording of evidence.

List for monitoring of evidence on 9.7.19.

**ANIL KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 27, 2019/gk