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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 373/2018 and IA No. 10085/2018 (u/O XXXIX Rules 1 and 2
r/w Section 151 CPC seeking temporary injunction) and IA No.
4843/2019 (application u/O 2 Rule 18 CPC) and IA No. 3283/2020
(u/s 151 CPC for necessary directions)

AJAY KUMAR SINGHAL & ORS. Plaintiffs

Through: Mr. Divjeet Singh Vohra, Ms.
Aishwarya Anand and Ms. Kritika
Ahulwalia, Advocates appeared
physically

versus

MANGE RAM GUPTA & ORS. Defendants

Through: None for LR of deceased defendant
no.1
Mr. Ashok Kumar, Advocate for
Defendant nos. 2 to 4 appeared
physically
Ms. Ikshita Parihar, Advocate for
Defendant no.5 appeared physically

CORAM:

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

ORDER

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26.05.2022

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

**IA No. 9901/2021 (application filed by plaintiffs u/O XXII Rule IV r/w
Section 151 CPC for impleadment of LR of deceased defendant no.1)**

As per file noting, affidavit of service of LR of deceased defendant
no.1 has been filed by the plaintiff alongwith original newspapers after
publication as per order dated 09.03.2022.

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Learned counsel for the plaintiff has stated that process has been published on 02.04.2022 in both newspapers i.e. 'Veer Arjun' and 'The Statesman'.

Despite expiry of more than 30 days from the date of publication, none has appeared on behalf of LR Nos. (iv) and (v) namely Smt. Shashi and Smt. Sunita, both are daughters of deceased defendant no.1 and not filed any reply.

LR Nos. (i), (ii) and (iii) of deceased defendant no.1 had already been served, but none has appeared on their behalf and no reply filed to this application.

Arguments heard.

As per the application, defendant no.1 expired on 11.05.2021. Learned counsel for the plaintiff has stated that names of all the legal heirs of deceased defendant no.1 have been mentioned in the application.

Learned counsels for defendant nos. 2,3,4 and 5 have stated that they have no objection to impleadment of all the LR's of deceased defendant no.1 as mentioned in this application.

Heard. In view of above submissions, the present application is allowed and LR's Nos. (i) to (v) of deceased defendant no.1 mentioned in para no. 2 of the Application, namely (i) Smt. Shanti Devi (wife of deceased defendant no.1), (ii) Sh. Ashok Singh (son of deceased defendant no.1), (iii) Sh. Naresh Singh (son of deceased defendant no.1), (iv) Smt. Shashi (daughter of deceased defendant no.1) and (v) Smt. Sunita (daughter of deceased defendant no.1), are impleaded as necessary parties in the suit.



Amended Memo of Parties has already been filed on record by the plaintiff. The concerned official is directed to affix Amended Memo of Parties at the front of the file.

Perusal of the PDF file reveals that copy of death certificate of deceased defendant no.1 has not been filed till date. Learned counsel for the plaintiff undertakes to file copy of death certificate of deceased defendant no.1 on record within 15 days.

IA stands disposed off.

Summons of the suit alongwith complete set of plaint and documents be issued to the newly impleaded defendants i.e. LRs Nos. (i) to (v) of deceased defendant no.1 by way of all permissible modes including affixation and electronic mode. The process server is directed to take photographs of affixation at the address of LRs of deceased defendant no.1 as mentioned in the Amended Memo of Parties and to file report alongwith photographs.

IA No. 3346/2022 (application filed by the plaintiffs u/O V Rule 20 r/w Section 151 CPC)

The present application was allowed vide order dated 09.03.2022.

IA stands disposed off.

CS(OS) 373/2018

As per previous noting/ordersheets, written statement alongwith affidavit of admission/denial and vakalatnama on behalf of defendant nos. 2,3,4 and 5 is on record. Replication to written statement of defendant nos. 2,3,4 and 5 is not on record.

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Learned counsel for the plaintiff has stated that he had filed replication to written statement of defendant nos. 2,3,4 and 5 vide Dy. No. 122347 dated 07.02.2019, however it is not record. Learned counsel for the plaintiff is directed to verify this fact with the Registry and to place it on record before the next date of hearing.

Written statement filed on behalf of deceased defendant no.1 prior to his death vide Dy. No. 336936 dated 27.09.2018 was returned under objections on 17.12.2018, but it was not re-filed thereafter. However, replication to written statement of defendant no.1 is on record.

Both the parties are directed to file Joint Documents Schedule atleast one week before the next date of hearing.

Both the parties are directed to file original signed pleadings and hard copies of the documents on record atleast one week before the next date of hearing. Both the parties are directed to appear in person alongwith original documents for marking of exhibits on the documents on the next date of hearing. The concerned official is directed to complete the file in all respects before the next date of hearing.

Put up for appearance of newly added defendants and completion of pleadings on 29th July, 2022.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 26, 2022
savita