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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.APP. 184/2016

ROOP CHAND YADAV

..... Appellant

Through: Mr. Rajesh Gupta, Advocate for
applicant (9810360789)

versus

UNION OF INDIA & ANR

..... Respondent

Through: Ms. Manisha, Advocate for Mr. Yeeshu
Jain, Advocate for R-1

CORAM: MS. KAUSHLYA VERMA, REGISTRAR

ORDER

% **22.05.2023.**

CM APPL.11684/2022 (delay of 100 days).

The present application has been filed for condonation of delay of 100 days in filing an application moved under Order 22 Rule 3 CPC seeking substitution of LR of deceased appellant.

Perusal of application shows that death of appellant took place on 1.6.2021 and the application U/O 22 R 3 was filed on 07.03.2022.

In SMWP(C) No. 03/2020, the Hon'ble Supreme Court has, inter alia, held that ' in cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In view of the aforesaid, there is no delay in moving the instant application. The application is dismissed as infructuous.

CM APPL.11683/2022 (u/O 22 Rule 3 CPC by the applicant seeking his substitution as LR of deceased appellant).

Notice could not be issued to LR No.(V)-Smt. Lalita Yadav of



deceased appellant as process fee filed by the applicant was returned under objection.

On applicant's taking fresh steps within a week, issue notice of the application to LR No.(V) of deceased appellant, by all permissible modes, returnable on 25.09.2023.

In the meantime, let reply, if any, be filed by respondent No.2-DMRC with advance copy to learned counsel for the applicant, who may file rejoinder thereto, if any, before the next date.

The other non-applicants are not objecting to the present application.

REGISTRAR

MAY 22, 2023/vk