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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 150/2010**
KAMAL KUMAR NEWAR Plaintiff
Through **Mr. Pramod Kumar, Adv.**

versus

NAND KUMAR NEWAR & ORS Defendant
Through **Ms. Sonali Kumar, Adv. for D-1**
Mr. Avneesh Garg, Adv. for D-3&4

CORAM:

SANJAY JINDAL (DHJS), JOINT REGISTRAR (JUDICIAL)
ORDER

% **10.09.2018**

IA No. 9734/2018 u/O XXII R 4 (4) CPC moved by plaintiff seeking exemption from impleading LR of deceased defendant no. 10 namely Ms. Shakuntla Lakhotia.

No reply to the above captioned IA has been filed by defendant no. 1, 3 & 4, who are only contesting parties in this case. It is submitted by learned counsels for defendant nos. 1, 3 & 4 that the application may be disposed of as per law.

I have carefully perused the record.

By way of present application, the plaintiff seeks exemption from impleading the LRs of deceased defendant no. 10. It is contended that the said defendant has never appeared in this case nor filed any written statement, so, there is no requirement for impleading his LRs. On perusal of record, it is revealed that after service of summons the defendant no. 10 did not appear in this case and vide order dated 20.09.2010 her right to file written statement was also

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-2-

closed. In the circumstances, when the defendant no. 10 has failed to appear and to file written statement in this case, the request made by the plaintiff is found to be bonafide one. In the given facts and circumstances, the application filed by the plaintiff is considered and allowed and the plaintiff is exempted from impleading the LRs of deceased defendant no. 10.

IA stands disposed of.

CS(OS) 150/2010

Put up before the Hon'ble Court for further directions on 12.11.2018 i.e. the date already fixed there.

**SANJAY JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

SEPTEMBER 10, 2018/ab