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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 1239/2015
DINESH MADAN

..... Plaintiff

Through: Mr. Shailendra Paul, Adv.

versus

ANIL MADAN & ANR

..... Defendant

Through: Ms. Pooja Kapur & Ms.
Mrinalini Sen, Advs. for
proposed LRs No.D-1(b) & (c)
Ms. Sonia Madan with Ms. Sonia
Madan in person
Ms. Kamalakshi Singh, Adv. for
Ms. Veena Madan
Mr. Nishant Gupta, Adv. for LR
No.1 (d) & (c)
Ms. Divyanshu Rathi, Adv. for
D-3 & 11
Ms. Asha Jain Madan & Mr.
Mukesh Jain, Advs. for applicant
in IA No.20692/2023

CORAM:
JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)

ORDER
15.07.2024

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I.A. No. 706/2024 (by Smt.Veena Madan, wife of
defendant no.1 u/O XXII Rule 4 of CPC to implead
LRs of defendant no.1)

1. By way of captioned IA, LRs of defendant no.1 has prayed for impleadment of legal heirs of defendant no.1/Mr. Anil Madan.
2. It is submitted on behalf of the plaintiff that name of Smt. Bimla Madan (mother of defendant no.1) [who is



defendant no.2 in the connected case i.e. CS(OS) 626/2016] is not mentioned in the captioned IA as one of the LRs of defendant no.1.

3. Learned counsel for LRs of defendant no.1 submits that Smt. Bimla Madan cannot be impleaded as one of the LRs of defendant no.1 on the ground that she has adverse interest as that of defendant no.1/LRs of defendant no.1.
4. Arguments heard. Record perused.
5. It is averred in the captioned IA that the defendant no.1 passed away on 25/10/2023 leaving behind the following legal heirs:
 - (i) Smt. Veena Madan – wife
 - (ii) Ms. Sonia Madan – daughter
 - (iii) Mr. Anish Madan – son
 - (iv) Mr. Ashish Madan – son
6. The captioned IA has been filed on behalf of the LRs of defendant no.1 on 01/12/2023. The same has been filed within the stipulated period of limitation.
7. After the death of the defendant no.1, right to sue survives in favour of plaintiff and against the LRs of the defendant no.1.
8. In view thereof, the captioned IA is allowed. All the aforesaid LRs of defendant no.1 except Smt. Bimla Madan (mother of defendant no.1) [who is defendant no.2 in the connected case i.e. CS(OS) 626/2016] are brought on record.
9. IA stand disposed of.

I.A.No.24162/2023 (under Order XXII Rule 4 r/w Section 151 CPC for impleading legal heirs of defendant no.1/Mr. Anil Madan)



10.Arguments heard. Record perused.

11.In view of the order passed on IA No.706/2024, the captioned IA is also allowed and the LR's of defendant no.1 are brought on record.

12.IA stands disposed of.

I.A. No. 15101/2018 (by D-1 u/O VI Rule 17 CPC seeking amendment of written statement)

13.Reply to the captioned IA was already filed on behalf of plaintiff. No rejoinder to the said reply has been filed on behalf of defendant no.1.

I.A. No. 1703/2020 (by D-1 u/S 151 CPC seeking direction to appointed Court Valuer)

14.Reply to the captioned IA was already filed on behalf of plaintiff. Rejoinder to the said reply has been filed on behalf of defendant no.1.

15.Reply to the captioned IA was already filed on behalf of defendant no.2. No rejoinder to the said reply has been filed on behalf of defendant no.1.

I.A. No. 857/2021 (by D-1 u/S 151 CPC objecting to the valuation report filed by Dream Land Designers Pvt. Ltd.)

16.Pleadings qua the captioned IA are complete

I.A. No. 18919/2023 (by D-1 for condonation of delay in filing replication to WS of D-3)

17.No reply to the captioned IA has been filed on behalf of non-applicants.

18.Two applications for impleadment of LR's of defendant no.1 are pending for consideration.

I.A. No. 20692/2023 (by applicant Mr. Vipin Kumar Jain u/O I R-10 CPC for impleading him as party to



suit) &

I.A. No. 21227/2023 (by applicant Mr. Vipin Kumar Jain u/s 151 of CPC for directions)

19. Separate replies to the captioned IAs were filed on behalf of Mrs. Sonia Madan, proposed LR no.(b) of defendant no.1. No rejoinder to the said replies has been filed by the applicant. Two days time has been sought. Let the same be filed accordingly.

20. Ld. Counsel for plaintiff already submitted that he does not wish to file any reply to the captioned IAs

21. No reply to the captioned IA has been filed on behalf of LRs no.(d) and (e) of defendant no.1

I.A. No. 8861/2019 (by plaintiff for final decree) & I.A. No. 8862/2019 (by plaintiff for appointment of Local Commissioner)

22. Pleadings qua the captioned IAs are complete.

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23. As per office note, vakalatnama and documents have been filed on behalf of the defendant.

24. Valuation report has been filed on behalf of the defendant.

25. Learned counsels for the parties submit that the matter may be placed before the Hon'ble Court on the date already fixed and they will make appropriate submissions before the Hon'ble Court.

26. At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **13th August, 2024.**

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JULY 15, 2024/nk

[Click here to check corrigendum, if any](#)