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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 437/2018**
KARN LUTHRA

.....Plaintiff

Through: Mr. Rajiv Dewan & Mr. Angad
Singh, Advs.

versus

SH. M.K. SUBBA

.....Defendant

Through: Mr. Pradeep Aggarwal, Adv. for LRs
No. (i) to (iii) of the deceased
defendant.
None for LR No.(iv) of the deceased
defendant.
Ms. Aditi Sharma, Adv. for LRs No.
(v) & (vi) of the deceased defendant.

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)

ORDER
% **12.01.2022**

**Court hearing convened via video conferencing on account of
Covid-19**

**I.A.No.10019/2019 under Section 151 CPC filed on behalf of the
plaintiff for exemption from filing typed copies of all the
documents**

1. Heard.
2. The captioned IA is allowed subject to all just exceptions.
3. IA stands disposed off



I.A.No. 15424/2018 (under Order 7 Rule 11 r/w Section 151 CPC filed by the defendant);

I.A.No.15425/2018 (under Section 151 CPC filed by the defendant);

I.A.No. 17257/2018 (under Order 22 Rule 12 & 14 r/w Section 151 CPC filed by the defendant seeking discovery and production of certain documents from the plaintiff);

I.A.No. 17262/2018 (under Section 45 of the Indian Evidence Act r/w Section 151 CPC filed by the defendant seeking seizure of original promissory note dated 16/09/2015 and sending the same to CFSL for forensic examination) &

CRL.M.A.NO. 36005/2018

1. Reply to the captioned IAs has been filed.
2. Rejoinder is still awaited.

CS(OS) 437/2018

1. Pleadings are complete.
2. Affidavits of admission/denial of the parties are on record.
3. LRs of the deceased defendant are yet to be impleaded.

I.A.No.10018/2019 (under Order 22 Rule 4 r/w Section 151 CPC filed on behalf of the plaintiff for substitution of legal heirs of deceased defendant Sh. M.K. Subba)

1. No reply to the captioned IA has been filed on behalf of proposed LR No.(iv) of the defendant. There is no appearance on behalf of this proposed LR either.
2. The remaining proposed LRs are being represented through their respective counsels today.



3. It is submitted by learned counsel for proposed LR No.(v) & (vi) that there is a dispute as to who is the LR of deceased defendant because the defendant is also survived by his wife, namely Smt. Jyoti, but her name is not reflected in the application moved by the plaintiff.
4. Learned counsel for the plaintiff submits that Smt. Jyoti is not the legally wedded wife of the deceased defendant and it came to the knowledge of the plaintiff that the defendant solemnized marriage with Smt. Jyoti without dissolution of his first marriage with proposed LR No. (i). It is further submitted that proposed LR No.(ii), (iii) & (iv) are the children borne out of the marriage between the defendant and proposed LR No.(i) while proposed LR No.(v) & (vi) were borne to Smt. Jyoti from the deceased defendant.
5. Learned counsel for proposed LR No.(v) & (vi) submits that the lady Smt. Jyoti is the legally wedded wife of the defendant and thus is one of the LR of the deceased defendant. Learned counsel further submits that proposed LR No.(i) is not the legally wedded wife of the deceased defendant and thus cannot be impleaded.
6. The submissions made by learned counsel for proposed LR No.(v) & (vi) are disputed by learned counsel for proposed LR no.(i), (ii) & (iii).
7. It is clear from the submissions made by learned counsels for the parties that there is a dispute as to who is the legal representative of the defendant. Hence, in view of Chapter II Rule 3 (37) proviso (i), Delhi High Court (Original Side) Rules, 2018, let the captioned



IA be placed before the Hon'ble Court for further directions on
14th February, 2022.

JANUARY 12, 2022/nk

**JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

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