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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 45/2018, I.A. No.8746/2018 (u/O-XI R-12 & 14), I.A. No. 10959/2018 (u/O-VII R-11), I.A. No.10960/2018 (u/S 151 CPC) & CRL.M.A. 30198/2018 (u/S 340 CrPC)

KARAN LUTHRA Plaintiff

Through: Mr. Sudhanshu Batra, Senior Advocate with Mr. Rajiv Dewan and Mr. Angad Singh, Advocates.

versus

M.K. SUBBA Defendant

Through: Mr. Pradeep Aggarwal with Mr. Arjun Aggarwal, Advocates for D-1(i) to D-1(iii).
Mr. Sahil Gupta, Advocate for D-1(iv).
Mr. Neeraj Yadav with Mr. Nagarkatti Kartik Uday, Advocates for proposed defendant, Ms. Jyoti Subba.

+ CS(OS) 437/2018, I.A. No.15424/2018 (u/O-VII R-11), I.A. No. 15425/2018 (u/S 151 CPC), I.A. No.17257/2018 (u/O-XI R-12 & 14), I.A. No.17262/2018 (u/S 45 of Indian Evidence Act) & CRL.M.A. 36005/2018 (u/s 340 CrPC)

KARAN LUTHRA Plaintiff

Through: Mr. Sudhanshu Batra, Senior Advocate with Mr. Rajiv Dewan and Mr. Angad Singh, Advocates.

versus

M.K. SUBBA Defendant

Through: Mr. Pradeep Aggarwal with Mr. Arjun Aggarwal, Advocates for D-1(i) to D-1(iii).
Mr. Sahil Gupta, Advocate for D-



1(iv).

Mr. Neeraj Yadav with Mr. Nagarkatti Kartik Uday, Advocates for proposed defendant, Ms. Jyoti Subba.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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14.02.2022

[VIA VIDEO CONFERENCING]

I.A. No.2504/2022 (for exemption) in CS(OS) 45/2018

1. Subject to the plaintiff filing original, certified and legible copies of any dim or illegible documents, on which they may seek to place reliance within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

I.A. No.9707/2019 (u/O-XXII R-4) in CS(OS) 45/2018; &

I.A. No.10018/2019 (u/O-XXII R-4) in CS(OS) 437/2018

3. The aforesaid applications seek to implead legal heirs of defendant late Sh. M.K. Subba, who is stated to have expired on 26th May, 2019.

4. Mr. Pradeep Aggarwal, counsel appearing on behalf of the proposed legal representatives, submits that one of the proposed legal representatives, Smt. Tilmaya Subba, being the wife of the deceased defendant has also recently expired.

5. Since the legal heirs of late Smt. Tilmaya Subba are already the proposed legal representatives in the present applications, there is no requirement for a fresh application for impleadment of legal representatives of late Smt. Tilmaya Subba.

6. As regards the other proposed legal representatives, they are represented by counsel and have no objection to their being impleaded as parties in the present suit.



7. The senior counsel appearing on behalf of the plaintiff submits that the impleadment of the aforesaid persons should be in their capacities as legal representatives and not as legal heirs.

8. Without going into the aforesaid issue at this stage, the legal representatives as mentioned in paragraph 2 of the present applications, are impleaded as defendants in the suit.

9. Additionally, Ms. Jyoti Subba, claiming to be the wife of the deceased defendant is also impleaded as a legal representative of the defendant and as a defendant in the suit.

10. The applications stand disposed of.

**I.A. No.2465/2022(u/O-I R-10) in CS(OS) 45/2018; &
I.A. No.2462/2022(u/O-I R-10) in CS(OS) 437/2018**

11. In view of the order passed in I.As. No.9707/2019 & 10018/2019 above, no orders are required to be passed in the present applications.

12. The applications are allowed.

CS(OS) 45/2018 & CS(OS) 437/2018

13. Let the amended memo of parties be filed and a complete set of the plaint be provided to the newly impleaded defendants.

14. Newly impleaded legal representatives/defendants shall be bound by the interim order passed by this Court on 24th May, 2018.

15. List before the Joint Registrar on 6th May, 2022, for further proceedings.

AMIT BANSAL, J.

FEBRUARY 14, 2022

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