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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.APP. 140/2017

M/S U S INDUSTRIES

..... Appellant

Through: Ms. Amita Rai, Advocate
(8860220930)

versus

UNION OF INDIA & ANR

..... Respondent

Through: Ms. Manisha, Advocate for
Mr. Yeeshu Jain, Advocate for R-1
None for R-2

CORAM: MS. KAUSHLYA VERMA, REGISTRAR

ORDER

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10.03.2023

CM APPL.3774/2022 (delay)

This is an application under Section 5 of the Limitation Act seeking condonation of delay of 94 days in filing the application CM **APPL 3773/2022** under Order 22 Rule 3 CPC for bringing on record the proposed LRs of deceased appellant.

On 21.07.2022, it has already been stated by learned counsel for respondent No.1 that he has no objection if this application is allowed.

Respondent No.2 has not filed the reply despite last opportunity having been granted on 16.12.2022. It appears that respondent No.2 has nothing to say in opposition to the present application.

In view of above, the application is allowed and the delay of 94 days in moving the application under Order 22 Rule 3 CPC is condoned.

Application stands disposed of.

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CM APPL.3773/2022 (u/O 22 Rule 3 CPC)

The present application has been filed by the applicants seeking their substitution as LR's of deceased proprietor-Sh. U.S. Pawar @ Umed Singh Pawar of the appellant-Company. A copy of death certificate of deceased proprietor has been annexed to the application. The details of the proposed LR's of deceased proprietor-appellant are mentioned in para 2 of the application, which include his one son and two daughters. The wife of the deceased proprietor is stated to have predeceased.

On 21.07.2022, it has already been stated by learned counsel for respondent No.1 that he has no objection if this application is allowed. However, no reply has been filed by respondent No.2 despite last opportunity having been granted on 16.12.2022. It appears that respondent No.2 has nothing to say in opposition to the present application.

In view of the aforesaid, the application is allowed and the LR's of deceased proprietor of the appellant-Company, as mentioned in para 2 of the application, are brought on record. Amended memo of parties filed alongwith the application is taken on record.

Application stands disposed of.

LA.APP. 140/2017

List this matter before the Hon'ble Court in due course.

REGISTRAR

MARCH 10, 2023

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