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

+ **FAO 502/2016 and C.M. No.38462/2016 (stay)**

BIRPAL

..... Appellant

Through: **Mr. Rajesh, Advocate.**

versus

SUJIT KUMAR & ORS

..... Respondents

Through: **Mr. M. Naushad, Advocate for
respondent No.1.
Mr. Sanjay Dewan, Advocate for
respondent No.3.**

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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27.04.2017

1. It is stated that respondent no.2 has expired. It is however stated that respondent no.2 did not file any objections before the succession court below. There is therefore no requirement of impleading legal heirs of the respondent no.2 in view of spirit of the provision of Order 22 Rule 4(4) of Code of Civil Procedure, 1908 (CPC).

2. At request made on behalf of the appellant, list on 30th August, 2017.

VALMIKI J. MEHTA, J

APRIL 27, 2017

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