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

+ CS(OS) 431/2018

DALIP SINGH YADAV & ORS. Plaintiff

Through: Mr. Arjun Harkauli & Mr. Abeer
Govind, Advs. (appeared through
VC)

versus

DHANWANT YADAV & ORS. Defendant

Through: Ms. Smita Rajgarhia, Adv.
(appeared through VC)

CORAM:

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

ORDER

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06.12.2024

**IA 24791/2023 (Application u/O XXII Rule 3 CPC filed
by plaintiff for impleadment of LRs of deceased
plaintiff no.1)**

1. As per office note, service report of the notice issued to the defendant nos.16, 17 & 18 received back unserved.
2. Learned counsel for defendants submits that she has no objection, if the captioned IA is allowed.
3. Heard. Record perused.
4. It is averred in the captioned IA that the plaintiff no.1/Dalip Singh Yadav passed away on 20/10/2022. It is further averred that the plaintiffs have filed an application bearing IA No.1710/2023, which was listed on 18/01/2023. It is averred that certain legal heirs were not mentioned in the said application and the said application was disposed of as infructuous. It is averred that therefore, the plaintiffs have filed the captioned IA with complete details of legal heirs of the plaintiff no.1



It is averred that the plaintiff no.1 left behind the following legal heirs i.e.

- (i) Smt. Santara Devi – wife
- (ii) Mr. Suresh Yadav – son [already plaintiff no.2]
- (iii) Mr. Mahesh Yadav – son [already plaintiff no.3]
- (iv) Ms. Meenu Yadav – daughter
- (v) Mr. Kamlesh Yadav – daughter and
- (vi) Ms. Hemlata Yadav – daughter.

5. After the death of the plaintiff, right to sue survives in favour of the LRs of plaintiff and against the defendants.
6. In view thereof, the captioned IA is allowed. LRs of plaintiff are brought on record.
7. Let amended memo of parties, if not filed earlier, be filed within two weeks.
8. IA stands disposed of.

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9. Perusal of record shows that the matter is at the stage of defendants' evidence.
10. Defendants are directed to file evidence by way of affidavits of the witnesses, if not filed earlier, within four weeks with advance copy to the opposite side. Let hard copy of the evidence by way of affidavit be also filed.
11. Re-notify the matter for defendants' evidence on **06th March, 2025.**

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 6, 2024/nk

Click here to check corrigendum, if any