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

+ CS(OS) 118/2015

MURTI

.....Plaintiff

Through: Ms.Saumitra Singhal, Adv.

versus

RAM KUMAR & ORS

.....Defendants

Through: Mr.Jitin Tewathia, Adv. for D-1
to 7, LRs of D-8 and D-9 to 11.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

12.08.2024

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IA 6489/2017

1. This is an application seeking condonation of delay in filing the replication.
2. For the reasons stated in the application, the same is allowed. The replication is taken on record.

IA 2450/2021

3. This is an application seeking condonation of 5 days' delay in re-filing IA 2449/2021.
4. For the reasons stated in the application, the same is allowed.

IAs 2449/2021, 20058/2022, 20059/2022

5. IA 2449/2021 has been filed by the plaintiff to bring on record the legal heirs of the defendant no.8/Sh.Sukhpal, who was unfortunately expired on 06.08.2018.
6. It is claimed in the application that the defendant no.8 is survived by his wife and his daughter, who have been named in paragraph



- 3 of the said application.
7. While IA 2449/2021 was pending before this Court, the plaintiff by way of abundant caution filed IA 20058/2022 seeking setting aside of abatement of the Suit due to delay in filing of the application seeking substitution of the LRs of the defendant no.8.
 8. The IA 20058/2022 was also accompanied with an application seeking condonation of delay in filing the said application which is IA 20059/2022.
 9. The learned counsel for defendant nos. 1 to 7, LRs of defendant no. 8, and defendant no. 9 to 11 does not oppose these applications.
 10. As the Suit is one praying for partition of the properties, the applications deserve to be allowed.
 11. Accordingly, the applications are hereby allowed and the defendant no.8 is substituted by his LRs mentioned in paragraph 3 of IA 2440/2021.

IA 7780/2024 and IA 7781/2024

12. These applications have been filed by the LRs of the plaintiff praying for their substitution in place of the plaintiff, who has unfortunately passed away on 30.08.2023. The LRs of the plaintiff also seek condonation of delay in moving the above applications.
13. These applications are not opposed.
14. Accordingly, the plaintiff is substituted by his LRs mentioned in paragraph 3 of the application. The delay in filing the same is also condoned.



CS(OS) 118/2015 & IA 911/2015

15. The Amended Memo of Parties shall be filed within a week.
16. List for framing of issues and further proceedings on 6th November, 2024.

NAVIN CHAWLA, J

AUGUST 12, 2024
RN/VS

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