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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 280/2017
MRS. LATA SINGH & ORS

..... Plaintiff

Through: Ms. Mansi Sharma & Mr. Sahil Ghai,
Advocates.

versus

MR. MANBIR SINGH & ORS

..... Defendant

Through: Mr. Sundeep Sehgal & Mr. Raj
Kumar, Advocates for D-1 & 2
Ms. Kanchan Pandey, Adv. for LRs
of D-3 & D-4
Advocate for the defendant no.5
(appearance not given)

CORAM:

**SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER
07.11.2019

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**I.A.No. 16795/2018 under Order 22 Rule 4 r/w Section 151 CPC
filed by the plaintiffs for substitution of LRs of the deceased
defendant no.3**

Copy of the death certificate of the defendant no.3 already stated to be filed by the plaintiffs.

It is submitted by counsel for the plaintiffs that the defendant no.3 has expired on 04/08/2018 and the factum regarding the death of the defendant no.3 came into the knowledge of the plaintiffs on 19/09/2018 and the present application has been filed within statutory period. It is further submitted by counsel for the plaintiffs that right to sue survives in favour of the plaintiffs and against the LRs of the

defendant no.3 and the present application of the plaintiffs be allowed.

It is submitted by counsel for the defendants that they have no objection, if the aforesaid application of the plaintiffs is allowed.

Arguments heard on the aforesaid application of the plaintiffs. Perused the material available on record. Considering the facts, circumstances and in view of the submissions made, aforesaid application of the plaintiffs is allowed. Plaintiffs are directed to file amended memo of parties before the next date of hearing with direction to supply advance copy of the same to the opposite counsel.

IA stands disposed of.

CS (OS) 280/2017

Right of the defendant no.1 & 2 to file the written statement has already been closed.

Parties are directed to file affidavit of admission/denial of the documents in accordance with Delhi High Court (Original Side) Rules, 2018 within four weeks with direction to supply advance copy of the same to each other. Last opportunity is granted for the same.

It is submitted by counsel for the parties that they will provide the inspection of original documents, if required, within a week.

At joint request, re-notify the matter for admission/denial of the documents on **27th February, 2020.**

**VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 07, 2019/nk