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

+ RFA 597/2017

JAGDISH RAI

..... Appellant

Through: Mr. Chandrani Prasad and Mr. Manish
Chaubey. Advocates (Mob: 9810599376)

versus

RAM KRISHAN & ORS

..... Respondents

Through: Mr. Vikas Nagpal, Advocate for LR's (i-
ii) of R1. (Mob: 9810542514)

CORAM: MS. KAUSHLYA VERMA, REGISTRAR

ORDER

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21.02.2023

**CM APPL. 7035/2023 [u/O 22 Rule 4 CPC by the appellant for
bringing on record the LR's of deceased respondent No. 2A-Vidya
Wati.**

The present application has been moved by the appellant under Order 22 Rule 4 CPC for bringing on record the legal heirs of deceased respondent No. 2(A), who has also been arrayed as respondent No. 3.

A perusal of the contents of the application reveals that LR's of deceased respondent No. 2(A) are already on record as LR's 2B to 2K. Therefore, the present application is deemed to have been filed under Order 22 Rule 2 CPC for recording the factum of death of respondent No. 2(A)/ R3. Accordingly, the fact of death of R-2A/R-3 is taken on record. Application stands disposed of.

Let the amended memo of parties be filed.

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CM APPL. 31262/2021(u/O 22 Rule 4 CPC for bringing on record the LRs of deceased respondent No.1) & CM APPL. 31263/2021 (delay of 47 days in filing CM APPL. 31262/2021)

Mr. Vikas Nagpal, Advocate appears for proposed LRs(i) and (ii) of deceased respondent No.1. Let complete set of case and applications be supplied to him by counsel for the appellant within two week.

Respondents 2 and 3 vide order dated 26.04.2022 accorded no objection to the present applications being allowed.

Let reply on behalf of respondent No.4 and proposed LRs (i) & (ii) (as per CM 31262/2021) of deceased respondent No.1 be filed within six weeks with advance copy to learned counsel for the appellant who may file rejoinder thereto, if any, before the date fixed.

Notice could not issued to LR (iv and v) of deceased respondent No. 1 for want of process and fresh addresses. Learned counsel for the appellants submits that despite best efforts he could not ascertain the addresses of the said LRs. Learned counsel for LRs (i and ii) is requested to provide fresh/correct addresses of LR No. (iv) & (v) to learned counsel for the applicant within one week. On the same being supplied and taking steps within three weeks' let notice be issued to LR (iv and v) of deceased R-1 by all permissible modes, returnable on 17.05.2023.

REGISTRAR

FEBRUARY 21, 2023/sa