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

+ RFA 597/2017

JAGDISH RAI

..... Appellant

Through Ms.Chandrani Prasad, Adv.
versus

RAM KRISHAN & ORS

..... Respondent

Through Mr.Deepak Dhingra with
Mr.Mirander Sharma, Advs for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **22.08.2019**

**C.M.No.37562/2019 (for modification of orders dated 10.07.2017
& 16.03.2018)**

This is an application filed by the applicant/respondent no.3 seeking modification of the orders dated 10.07.2017 and 16.03.2018, whereunder the respondents were directed to maintain status quo qua the suit property.

Learned counsel for the applicant submits that a similar application had been filed by applicant's husband i.e. respondent no.2 being C.M.No.16979/2019 in which notice was issued and the appellant/non-applicant has already filed a reply thereto. He submits that, however, during the pendency of the aforesaid application, the respondent no.2 has expired on 04.08.2019. He submits that though the details of the legal heirs of the respondent no.2 have already been furnished on 21.08.2019 to the learned counsel for the appellant by courier, he will supply another copy of the same to the learned



counsel for the appellant via e-mail.

He submits that since respondent no.3 is also one of the legal heirs of the respondent no.2 and in order to avoid any technical objection, he has filed the present application, seeking similar relief.

Issue notice. Learned counsel for the appellant accepts notice. She prays for and is granted two weeks' time to file reply. Rejoinder thereto, if any, be filed within one week thereafter.

Upon the applicant filing process fee, issue notice to the remaining non-applicants through ordinary process, speed post and *dasti* in addition, as prayed for returnable on 11.09.2019.

C.M.No.16979/2019 (modification of order dated 16.03.2018)

Learned counsel for the applicant submits that since the respondent no.2, who had moved the present application has expired, he does not press the present application especially in the light of the fact that the respondent no.3 has already filed a fresh application seeking the same relief.

The application stands dismissed as withdrawn.

C.M.No.35091/2018 (for additional evidence)

This application has been already directed to be heard along with the main appeal. It, however, transpires that the respondents have till date not filed any reply thereto. Learned counsel for the respondent no.3 prays for and is granted last opportunity of three weeks to file a reply. Rejoinder thereto, if any, be filed within four weeks' thereafter.



List on 11.09.2019.

AUGUST 22, 2019

sr

REKHA PALLI, J