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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 48/2017

KHURSEEDA

..... Plaintiff

Through Mr.Sabyasachi Mishra, Advocate

versus

SALAUDDIN AND OTHERS

..... Defendant

Through Mr.Darshan Singh, Advocate for D-7.

CORAM:

SH. ANIL KUMAR (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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20.11.2018

IA No. 13527/18 (for condonation of delay in filing application for bringing legal representatives of defendant no.1 u/s 5 of Limitation Act) & IA No.2662/2018 u/O XXII R 4 (wrongly mentioned as Rule 3 in IA) r/w Section 151 CPC for bringing legal representatives of defendant no.1

By way of first IA it is prayed to condone the delay of 15 days from the date of death of defendant no.1 for bringing the LR's of deceased defendant no.1 on record.

Second IA bearing no.2662/18 was moved prior to aforesaid first IA and notice were served upon the other contesting defendants & LR's of deceased D-1. On behalf of LR's of deceased defendant no.1 learned counsel appearing today for D-7 sought time for filing the reply. No reply has been filed by any party till date.

Since matter involves abetment hence IA no.2662/17 was sent to Hon'ble Court but on direction now the matter listed before this

Court.

Plaintiff has stated that there is delay of 15 days in filing the application for substitution of LR of deceased D-1 and this delay has been attributed to verification of the fact of death of deceased.

On the grounds taken, delay is condoned. Abetment is set aside.

LRs of deceased D-1 as mentioned in para no.2 of IA no.2662/18 are substituted in place of deceased D-1.

Accordingly both IAs are disposed off.

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List for completion of pleadings on 14.1.19.

**ANIL KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 20, 2018/gk