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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 626/2016

ANIL MADAN

..... Plaintiff

Through: Mr. Nishant Gupta, Adv. for Lrs
No.(c) & (c) of plaintiff.

versus

DINESH MADAN & ORS

..... Defendant

Through: Mr. Shailender Paul, Adv. for D-
1
Ms. Pooja Kapur & Ms.
Mrinalini Sen, Advs. for
Ms. Sonia Madan with Ms. Sonia
Madan in person
Ms. Kamalakshi Singh, Adv. for
Ms. Veena Madan
Mr. U.D. Bhargava, Adv. for D-9
Mr. Divyanshu Rathi, Adv. for
D-11
Ms. Asha Jain Madan & Mr.
Mukesh Jain, Advs. for applicant
in IA No.19855/2023

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

15.07.2024

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**I.A. No. 705/2024 (Order XXII Rule 4 r/w Section 151
CPC filed on behalf of Smt.Veena Madan, wife of
plaintiff for impleadment of legal representatives of
plaintiff/Shri Anil Madan)**

1. By way of captioned IA, applicant has prayed for
impleadment of legal heirs of plaintiff/Mr. Anil Madan.



2. Reply to the captioned IA has been filed on behalf of defendant no.1.
3. It is averred in the reply that Smt. Bimla Madan is also one of the LRs of deceased plaintiff being his mother, who is already a party to the present suit being defendant no.2.
4. Learned counsel for plaintiff submits that Smt. Bimla Madan (defendant no.2) cannot be impleaded as one of the LRs of plaintiff on the ground that she has adverse interest as that of plaintiff/LRs of plaintiff.
5. Arguments heard. Record perused.
6. It is averred in the captioned IA that the plaintiff passed away on 25/10/2023 leaving behind the following legal heirs:
 - (i) Mrs. Veena Madan – wife
 - (ii) Ms. Sonia Madan – daughter
 - (iii) Mr. Anish Madan – son
 - (iv) Mr. Ashish Madan – son
7. The captioned IA has been filed on behalf of the plaintiff on 09/01/2024. The same has been filed within the stipulated period of limitation.
8. After the death of the plaintiff, right to sue survives in favour of LRs of the plaintiff and against the defendants.
9. In view thereof, the captioned IA is allowed. LRs of plaintiff are brought on record.
10. IA stand disposed of.

O.A. No. 89/2018 (by D-2 against order dated 24.7.2018)



11.Pleadings qua the O.A. are complete.

I.A. No. 16022/2016 (by plaintiff u/O XXXIX Rules 1 & 2 of CPC)

12.Separate replies to captioned IA were already filed on behalf of defendants no.8 and 9. No rejoinder to the said replies has been filed on behalf of the plaintiff.

I.A. No. 7261/2018 (by D-3 u/O VII Rule 11 CPC);

I.A. No. 8144/2019 (by plaintiff u/O XXXIX Rules 7 & 10 CPC for directions to defendants);

I.A. No. 17557/2019 (by plaintiff u/S 151 of CPC seeking permission to add left out properties of Late Sh.Jagdish Chander Madan alongwith documents to be partitioned among class-I legal heirs);

I.A. No. 7990/2021 (by D-2 u/S 151 of CPC to place on record registered Will of D-2 in sealed cover);

I.A. No. 19475/2022 (by plaintiff u/S 151 of CPC against filing of affidavit dated 8.10.2022 by D-2 in compliance of order dated 21.9.2022 as well as revised affidavit dated 12.10.2022)

13.Pleadings qua the captioned IA are complete.

I.A. No. 7309/2022 (by plaintiff u/O XI Rule 12 & 14 r/w Section 151 CPC for directions against D-1, 2 and 3 to discover documents) &

I.A. No. 7310/2022 (by plaintiff u/O XI Rule 1 CPC)

14.Perusal of record shows that directions have already been passed in IA No.7309/2022 vide order dated 21.09.2022 and pursuant to which, revised affidavits were already filed on behalf of defendants no.2 and 3.

15.Perusal of order dated 26.09.2023 would show that the captioned IAs were listed for arguments, however, on request of the parties, the same were placed before the



Hon'ble Court for no further submissions

I.A.No.19855/2023 (under Order I Rule 10 (2) r/w Section 151 CPC filed on behalf of the applicant Mr. Vipin Kumar Jain for impleadment)

16.Reply to the captioned IA has been filed on behalf of proposed plaintiff no.1(b). No rejoinder to the said reply has been filed by the applicant.

17.No reply to the captioned IA has been filed on behalf of remaining non-applicants

CS(OS) 626/2016

18.As per office note, vakalatnama and documents have been e-filed on behalf of the plaintiff.

19.Learned counsels for the parties submit that the matter may be placed before the Hon'ble Court on the date already fixed and they will make appropriate submissions before the Hon'ble Court.

20.At joint request, list the matter before the Hon'ble Court for further directions on the date already fixed i.e. **13th August, 2024.**

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JULY 15, 2024/nk

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