



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 679/2017**
MEX SWITCHGEARS PVT LTD Plaintiff

Through: Mr. Amit Jain, Ms. Ishita Suri,
Advocates

versus

OMEX CABLES INDUSTRIES & ANR Defendant

Through: Mr. Umesh Mishra, Mr. Amit
Kumar, Advocates

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)

ORDER
07.02.2024

%

I.A No. 7408/2023 under Order XXII Rule 4 (1) CPC r/w
Section 151 CPC on behalf of the plaintiff seeking
impleadment of proposed LR's of deceased sole proprietor of
defendant no.2 Firm.

Reply filed on behalf of proposed LR's of defendant no. 2 has been marked as defective by the Registry on 01.11.2023. No steps have been taken to remove the objections to re-file the reply.

Vide the present application, plaintiff seeks to implead three proposed LR's of proprietor of defendant no. 2 firm i.e. two sons and wife. The reply which although is not on record but a copy of which is with the counsel for the plaintiff states that assets and liabilities of the Firm have been taken over by only one of the LR's i.e. Mr. Jinay Kumar who is son of the deceased proprietor of defendant no. 2 Firm.



Ld. Counsel for the plaintiff submits that he has no objection to Mr. Jinay Kumar being impleaded alone as LR of proprietor of defendant no. 2 firm subject to the liberty that should at a later stage in the trial, it transpires that the other two LR's of the deceased proprietor have also inherited his assets and liabilities, he should be at liberty to seek their impleadment.

Allowed as prayed for. Mr. Jinay Kumar is brought on record as LR of proprietor of defendant no. 2 subject to the liberty as highlighted above. Amended memo be filed within two weeks. Application is disposed off.

CS(COMM) 679/2017

Affidavit in evidence of PW Mr. Tejal Saini is in physical form. A copy of the affidavit of Mr. Tejal Saini be supplied again to ld. Counsel for defendants.

Put up for evidence on 02.05.2024.

**Dr. AJAY GULATI (DHJS),
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 7, 2024/sk

Click here to check corrigendum, if any