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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 776/2017

MAHESH KUMAR MINOCHA Plaintiff

Through: Ms. Rajani Chauhan, Advs.

versus

MAN MOHAN SACHDEVA & ORS Defendants

Through: Ms. Neelam Rathore, Adv.

for D-1(a, c and d)

(M: 9811192246) (email:

neelrathore@gmail.com)

Mr. Ajay Patyal, Adv. for D-2

Mr. R.P. Arora, Adv. for D-3 & 4

(M:9811271223)

CORAM:

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

ORDER

27.01.2023

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CS(COMM) 776/2017

1. As per office note, replication to the written statement of defendant no.1(a) to 1(d) along with affidavit of admission/denial of documents to the documents of defendant no.1(a) to 1(d) and affidavit of admission/denial to the documents of defendant no.4 have been filed by the plaintiff.

IA No. 17931/2022 (application filed by the plaintiff u/O 22 Rule 2 r/w Section 151 CPC on death of defendant no.1(b))

2. Reply to the captioned IA has been filed on behalf of defendant no.1 (a), (c) & (d).

3. Learned counsels for defendant no.1 (a), (c) (d) and defendant no.2, 3 & 4 submit that they have no objection, if the captioned IA is allowed.

4. Heard. Record is perused.



5. Plaintiff averred that the defendant no.1 (b) has passed away on 26/04/2021 and this fact came into the knowledge of plaintiff on 09/11/2021 when counsel for defendant no.1 (a) to (d) informed the Court about the death of defendant no.2. The captioned IA was filed on 15/10/2022. It is also averred that the defendant no.1 (b) was unmarried and the captioned IA is merely formal in nature, as LR of defendant no.1 (b) are already on record. The right to sue survives in favour of the plaintiff.
6. In view the submissions made by the plaintiff and considering the fact that none of the defendants had objected to the instant IA, the captioned IA is allowed. Let amended memo of parties be filed.
7. IA stands disposed of.

IA No. 17929/2022 (application filed by the plaintiff u/O 1 Rule 10(2) r/w Section 151 CPC for deleting the name of defendant no.3) and

8. As per office note, notice could not be issued as PF was not filed.
9. Reply to the captioned IAs have been filed by defendant no.1(a), (c) & (d).
10. Learned counsel for plaintiff seeks time to address arguments on the captioned IA.
11. Re-notify the matter for arguments on captioned IAs on **06th March, 2023.**

MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 27, 2023/nk
[Click here to check corrigendum, if any](#)