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

+ CS(OS) 13/2018 & I.A. 9466/2026

**KRISHNA NAGPAL AND ORS.**

.....Plaintiffs

Through: Mr. Vivek Vidyarthi, Mr. Suvigya Vidyarthi, Mr. Sarvagya Vidyarthi, Mr. Nischay Chaudhary, Ms. Apoorva Singh, Ms. Rushali Rawat and Ms. Samriddhi Shukla, Advocates for P-3 and P-5. (through VC)

versus

**SANJAY NAGPAL AND ORS.**

.....Defendants

Through: Mr. Vedang Upadhyay, Adv. for D-1  
Mob: 7905571114 & 7030310675  
Email:  
[adv.vedang.upadhyay@gmail.com](mailto:adv.vedang.upadhyay@gmail.com)

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**08.04.2026**

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**I.A. 9466/2026**

1. The present application has been filed on behalf of defendant no. 1 to place on record the affidavits of the Legal Representatives ("LRs") of deceased defendant no. 3 and for dismissal of *I.A. 5294/2023*.
2. Learned counsel appearing for defendant no. 1 submits that during the hearing on 17<sup>th</sup> March, 2026, the counsel for defendant no. 1 had submitted before this Court that the LR's of deceased defendant no. 3 have no interest in the suit property. Thus, direction had been given to defendant no. 1 to

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move an application in this regard.

3. It is submitted that defendant no. 3, Late Shri Rakesh Nagpal, expired on 23<sup>rd</sup> February, 2019. Thus, *vide* order dated 23<sup>rd</sup> August, 2022, this Court had observed that the suit stood abated against defendant no. 3.

4. Subsequently, plaintiffs filed an application being *I.A. 5294/2023* under Order XXII Rule 9, read with Order XXII Rule 4 of the Code of Civil Procedure, 1908 (“CPC”), seeking to set aside the aforesaid abatement, and for impleadment of the proposed LRs of defendant no. 3.

5. It is submitted that defendant no. 3 is survived by three Class-I legal heirs, i.e., his widow and two children.

6. Thus, it is submitted that defendant no. 1, in compliance of the order dated 17<sup>th</sup> March, 2026, is placing on record the sworn affidavit of Smt. Neeru Nagpal, the wife of deceased defendant no. 3, sworn affidavit of Smt. Riya Nagpal, daughter of deceased defendant no. 3 and sworn affidavit of Shri Aditya Nagpal, son of deceased of defendant no. 3.

7. The said affidavits also have the photographs of the respective LRs, in order to show their identity.

8. In the three respective affidavits, all three LRs of deceased defendant no. 3 have deposed on oath that they have absolutely no right, title or interest in the suit property, and that they have relinquished their purported claim in favour of defendant no. 1.

9. Thus, it is submitted that since the LRs of defendant no. 3 have unequivocally disclaimed all interest in the suit property, they are neither necessary nor proper parties in the present partition suit.

10. Learned counsel for defendant no. 1 further submits that the application of the plaintiffs being *I.A. 5294/2023*, wherein, they seek to set



aside the abatement and implead the LRs of deceased defendant no. 3, be disposed of.

11. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff nos. 3 and 5.

12. He submits that in view of the affidavits filed by the LRs of deceased defendant no. 3, he has no objection if *I.A. 5294/2023*, is disposed of.

13. This Court considers the submissions made by learned counsels appearing for defendant no. 1 as well as the plaintiff nos. 3 and 5, and accordingly takes on record the affidavits of LRs of deceased defendant no. 3.

14. The present application, along with *I.A. 5294/2024* filed by the plaintiffs, stand disposed of.

**CS(OS) 13/2018**

15. Considering the order passed today in *I.A. 9466/2026*, let amended Memo of Parties be filed by the plaintiffs within a period of one week, from today.

16. Learned counsel appearing for defendant no. 1 submits that the signatures of the plaintiffs occur differently in different places, viz. in *I.A. 5294/2023*, the signatures of plaintiffs are different from the signatures in the *Vakalatnama*, as well as the various applications.

17. Liberty is granted to defendant no. 1 to move an appropriate application before this Court in that regard.

18. List on the date already fixed, i.e., 31<sup>st</sup> July, 2026.

**MINI PUSHKARNA, J**

**APRIL 8, 2026/ak**