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**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**CS(OS) 3410/2015**  
**SH PREMNATH BAJAJ & ANOTHER**

..... Plaintiff

Through: Mr. Sunil K. Kalra, Adv. (Mobile  
No.9810396959) (appeared  
through VC)

versus

**SMT RAJ RANI BAJAJ & OTHERS**

..... Defendant

Through: Ms. Divyangna Singh, Adv. for  
D-1 & 2 (Mobile  
No.9999210199) (appeared  
through VC)  
*Right of D-3 to file WS closed  
vide order dated 13/04/2018*  
None for D-5/MCD)

**CORAM:**

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

**ORDER**  
**21.02.2024**

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**I.A.No.24780/2015 (under Order XXXIX Rule 1 & 2  
CPC)**

1. Reply to the captioned IA has already been filed by the defendant no.1, 2 & 4.
2. Rejoinder to the reply of defendant no.1 & 2 has been filed by the plaintiff.

**I.A.No.12847/20116 (under Order VII Rule 11 CPC  
filed by the defendant no.1 & 2)**

3. Pleadings are complete.

**I.A.No.672/2023 (under Order XXII Rule 3 CPC filed  
on behalf proposed LRs of deceased (Mr. Sunny Bajaj)  
one of legal heirs of deceased plaintiff no.2)**

**I.A.No.4023/2023 (under Order XXII Rule 9 CPC filed**



**on behalf proposed LRs of deceased plaintiff no.2 for setting aside of abatement of present suit) &**

**I.A.No.4890/2023 (under Section 5 of Limitation Act for condonation of delay of 8 days in filing the application under Order XXII Rule 3 CPC)**

4. Reply to the IA No.672/2023 has been filed on behalf of defendant no.2.
5. Death certificate of Mr. Sunny Bajaj, LR of plaintiff no.2 has been filed.
6. Learned counsel for the defendant no.1 & 2 submits that she has no objection, if the captioned IAs are allowed.
7. Arguments heard. Record perused.
8. It is averred in the captioned IA that the plaintiff passed away on 18/03/2020 leaving behind the following legal heirs i.e
  - (i) Mrs. Sudesh Bajaj - wife
  - (ii) Mr. Sunny Bajaj – son &
  - (iii) Mr. Shanky Bajaj - son
9. The application bearing IA No.672/2023 has been filed on behalf of LRs of plaintiff no.2 on 11/01/2023. Thereafter, LRs of plaintiff have also filed an application bearing IA No.4023/2023 for setting aside the abatement and IA No.4890/2023 seeking condonation of delay in filing application seeking impleadment of LRs of plaintiff no.2. Learned counsel for the defendant nos. 1 & 2 submits that she has no objection, if the aforesaid applications are also allowed and delay is condoned.
10. In view of the submissions made by learned counsel for



defendant no.1 & 2, the applications bearing IA No.4023/2023 and IA No.4890/2023 are allowed.

11.After the death of the plaintiff no.2, right to sue survives in favour of the LRs of plaintiff no.2 and against the defendants.

12.In view thereof, the captioned application bearing IA No.672/2023 is allowed. LRs of plaintiff no.2 are brought on record.

13.Let amended memo of parties be filed within two weeks.

14.IAs stand disposed of

**I.No.10336/2023 (under Order XXXII Rule 3 CPC filed on applicant/proposed LR of Sunny Bajaj, one of the LRs of deceased plaintiff no.2 for appointment of applicant as guardian of minor Saanvi Bajaj)**

15.Learned counsel for the defendant nos.1 & 2 submits that she has no objection, if the captioned IA is allowed.

16.Arguments heard. Record perused.

17.It is averred in the captioned IA that plaintiff no.2 passed away on 18/03/2020 leaving behind three legal heirs i.e. Mrs. Sudesh Bajaj, Mr. Sunny Bajaj & Mr. Shanky Bajaj. It is further averred that one of the LRs of plaintiff no.2, namely, Mr. Sunny Bajaj also passed away on 05/10/2022 leaving behind the following legal heirs ie.

(i) Mrs. Sapna Bajaj – wife &

(ii) Baby Saanvi Bajaj - daughter

18.After the death of Mr. Sunny Bajaj, one of the LRs of plaintiff no.2, right to sue survives in favour of the LRs of plaintiff no.2 and against the defendants.

19.By way of captioned IA, the applicant also seeks



permission to appoint her as guardian-ad-litem of minor Baby Saanvi Bajaj (Minor LR of Mr. Sunny Bajaj) being her mother and natural guardian.

20. In view of no objection furnished by learned counsel for the defendant no.1 & 2 and also in view of the fact that it is not disputed that the applicant/Mrs. Sapna Bajaj is the mother of Baby Saanvi and has no adverse interest as that of minor Baby Saanvi, the captioned IA is allowed.

21. Both the LRs of one of the LRs of plaintiff no.2, namely, Mr. Sunny Bajaj are impleaded. Mrs. Sapna Bajaj is appointed as Guardian-ad-litem of minor LR Baby Saanvi to look after her interest in the present suit.

22. Let amended memo of parties be filed within two weeks.

23. IA stands disposed of.

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24. The matter is at the stage of admission/denial of documents.

25. Joint Document Schedule be filed in terms of Rule 7A Chapter VII of Delhi High Court (Original Side) Rules, 2018. Let hard copy of the documents and Joint Document Schedule, in addition to e-filing, be filed before the next date of hearing.

26. Re-notify the matter for admission/denial of documents on **10<sup>th</sup> May, 2024.**

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

**FEBRUARY 21, 2024/nk**

*Click here to check corrigendum, if any*