

Amita Bhardwaj vs Nirmal Gakhar & Ors on 21 March, 2018

Author: Yogesh Khanna

Bench: Yogesh Khanna

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 3935/2014 and IA Nos.25725/2014, 2883/2015
AMITA BHARDWAJ

..... Plaintiff

Through : Mr.S.G.Asthana, Advocate.

versus

NIRMAL GAKHAR & ORS

..... Defendants

Through : Mr.Amit Sanduja, Advocate for
defendants No.2 & 3.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER

% 21.03.2018
IA Nos.22432-33/2015

This is a suit for declaration, partition, permanent injunction and possession in respect of suit property bearing No.B226, Saraswati Vihar, Delhi. The suit property was the self acquired property of father of the plaintiff - namely Shri Gulshan Lal - who expired in the year 1999. The plaintiff has moved IA No.22432/2015 under Order 22 Rule 4 of the CPC for impleading the legal heirs of the deceased defendant No.1 viz. mother of the plaintiff, whose share would squarely fall in the lap of plaintiff and defendant No.2 as her legal heirs.

The plaintiff has also moved an IA No.22433/2015 under Section 5 of the Limitation Act for delay condonation of 102 days. The learned counsel for the plaintiff argues since the mother of the parties has expired and since her share would fall to the plaintiff and defendant No.2 so even if this applications was not moved, it would have hardly made a difference as the plaintiff and defendant No.2 are already on record and that these applications are moved only to bring them formally as legal representatives.

Both the learned counsels intend to argue the matter further. List on 12.07.2018.

YOGESH KHANNA, J MARCH 21, 2018 M