

Manjit Singh Anand & Ors vs Basant Kaur & Ors on 16 September, 2020

Author: Rajiv Shakdher

Bench: Rajiv Shakdher

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IN THE HIGH COURT OF DELHI AT NEW DELHI

I.A.No.8146/2020 in

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CS(OS)No.1574/2014

MANJIT SINGH ANAND & ORS.

Through : Mr. Rajat Aneja, Mrs. Vandana
and Ms. Bhawana Pandey, Advs.
P-2 to 5.

versus

BASANT KAUR & ORS.Def

Through : Mr. Sushil Kumar Pandey, Adv.
D-2 & 4.
Mr. Mantu Kumar Singh, Adv. Fo
3 & 5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER
ORDER

% 16.09.2020 [Court hearing convened via video-conferencing on account of COVID-19]

1. This application has been moved on behalf of plaintiff nos. 2 to 5 under the provisions of Order XXII Rule 4 read with Section 151 of the Code of Civil Procedure, 1908 [in short "CPC"].

2. Mr. Rajat Aneja, who appears on behalf of plaintiff nos. 2 to 5, says that in the title of the application, it has been, inadvertently, mentioned that the application has been moved on behalf of the "plaintiffs" and thereby, erroneously, giving the suggestion that plaintiff no. 1 was also represented by him.

2.1 In other words, Mr. Aneja seeks to clarify that this application has been moved only by plaintiff nos. 2 to 5.

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2.2 The record will, accordingly, reflect this position.

3. Mr. Sushil Kumar Pandey, who appears on behalf of defendant nos. 2 and 4, takes an objection to the amended memo of parties accompanying the captioned application.

3.1 It is Mr. Pandey's contention that in the amended memo of parties, the legal heirs of the deceased plaintiff no. 1 i.e. Manjit Singh Anand are mentioned.

3.2 Mr. Pandey says that the legal heirs of Manjit Singh Anand, as shown in the amended memo of parties i.e. Poonam Anand and Deepika Kanwar, were never, formally, brought on record.

3.3 To be noted, the captioned application only seeks to bring on record the legal heirs of the deceased defendant no. 1 i.e. Basant Kaur. The details of the legal heirs of the deceased defendant no. 1 i.e. Basant Kaur are set out in paragraph 4 of the application.

4. Issue notice.

4.1 Mr. Sushil Kumar Pandey accepts service on behalf of Sarabjit Singh Anand and Jasjit Singh Anand, who are, otherwise, arrayed as defendant nos. 2 and 4 while Mr. Mantu Kumar Singh accepts service on behalf of Amarjit Singh Anand and Brijinder Kaur Kohli. To be noted, Amarjit Singh Anand is also arrayed as defendant no. 3 to the instant proceedings. 4.2 I may also note that Mr. Singh has informed me that, in this suit, he represents defendant no. 5 i.e. Gurdeep Singh Anand as well.

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5. Both, Mr. Pandey and Mr. Singh, say that they have no objection to the prayer made in the captioned application being allowed and the legal heirs of the deceased Basant Kaur/defendant no. 1 being brought on record. 5.1 Mr. Pandey, however, reemphasizes his objection with regard to the amended memo of parties which adverts to the legal heirs of plaintiff no. 1. 5.2 Mr. Singh joins Mr. Pandey in raising this objection.

6. The captioned application is allowed subject to the objection taken by Mr. Pandey and Mr. Singh with regard to the amended memo of parties wherein the legal heirs of the deceased plaintiff no. 1/Manjit Singh Anand have been mentioned.

6.1 The impact of this deficiency [i.e. that no application was moved to bring on record the legal heirs of deceased plaintiff no. 1/Manjit Singh Anand in the instant suit proceedings], will be examined at the final stage.

7. The captioned application is disposed of in the aforesaid terms.

8. List the matter on 04.11.2020 along with the lead matter i.e. CS (OS) No. 1593/2006.

SEPTEMBER 16, 2020

Aj/KK

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