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

+ CS(OS) 2582/2012
SURESH SAHU

..... Plaintiff

Through : Mr. Mohit Chaudhary, Ms. Damini
Chawla and Ms. Vaishali Mittal,
Adv.

versus

SANTOSH KUMAR TULSHAN & ORS

..... Defendants

Through : Mr. Dinesh Garg and Ms. Rachna
Aggarwal, Adv. for D-1(i) to D-1(iv)
& D-2.

Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor and Mr. Gyanesh
Bhardwaj, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **28.09.2015**

I.A. No.20475/2015 (u/O 1 R 10 CPC by plaintiff)

It is submitted that the defendant no.1 had died even prior to filing of the suit. This fact was not within the notice of plaintiff and has been brought to his notice after filing of the suit. It is prayed that legal representatives of the deceased defendant no.1 be impleaded as party to the suit. Accordingly, name of the defendant no.1 is deleted and his legal representatives are impleaded as defendant no.1(i) to 1(iv). The defendant no.2 is also one of the legal representative of defendant no.1 and has been shown at serial number 1(iii). This application has not been opposed by

defendant no.2 and also the proposed defendants, who are also being represented by the same counsel. Proposed defendant no.1(i) to 1(iv) have also signed this application against their names disclosed in para no.3 of the application. Application is allowed. Amended memo of parties is taken on record.

Application disposed of accordingly.

I.A. No.20476/2015 (u/O 23 R 3 CPC)

Plaintiff and the defendants have settled their disputes on the terms and conditions as stipulated in para no.7 of the joint application, which has been signed by the parties, inasmuch as has been supported by their affidavits. Application is marked as 'Mark C-1'. I do not find the terms of 'Mark C-1' to be in conflict with any law. Parties shall remain bound by the terms of 'Mark C-1'. Accordingly, a decree is passed in terms of Mark 'C-1', which shall form part of the decree.

Application is disposed of in above terms.

All other pending applications are disposed of as infructuous. Interim order dated 28th August, 2012 is vacated. Date fixed in the matter, that is, 17th November, 2015 is cancelled.

A.K. PATHAK, J.

SEPTEMBER 28, 2015/dk