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

+ **CS(OS) 458/2017**

BABA VENTURES PVT. LTD. Plaintiff

Through: **Mr. Kapil Khera, Ms. Subiya Akbar
Warsi & Mr. Harvinder Singh, Adv.**

Versus

RAKESH BEHARI LAL & ORS Defendants

Through: **Mr. Madhur Dhingra, Adv.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 26.04.2018

IA No.5702/2018 (under Order XXIII Rule 3 CPC)

1. The counsels inform that defendant no.5 Surender Dayal Tawakley, in this suit for recovery of money, died before the institution of the suit and an application for substitution of his sole legal heir is pending consideration.
2. It is further informed that the said legal heir of defendant no.5 has also joined in this compromise application and has signed the same and has filed his affidavit therewith.
3. IA No.2553/2018 for substitution of Sumit Tawakley, son of defendant no.5 Surender Dayal Tawakley is allowed and Sumit Tawakley is substituted in place of deceased defendant no.5 Surender Dayal Tawakley.
4. I have perused the compromise arrived at between the plaintiff and all the five defendants and find the same to be lawful.
5. The application is allowed and disposed of.

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6. Amended memo of parties filed along with IA No.2553/2018 is taken on record.
7. A decree is passed in favour of the plaintiff and against the defendants in terms of IA No.5702/2018 aforesaid, leaving the parties to bear their own costs.
8. Decree sheet be drawn up.
9. The counsel for the plaintiff / decree-holder states that the decretal amount has been received and the decree aforesaid stands satisfied.
10. On request, a certificate entitling the plaintiff to refund of court fees paid on the plaint less Rs.30,000/- be issued and handed over to the counsel for the plaintiff.
11. The date of 24th May, 2018 before the Joint Registrar is cancelled.

RAJIV SAHAI ENDLAW, J

APRIL 26, 2018

‘gsr’..