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

% *Date of decision: 07th November, 2023*

+ **CS(OS) 2159/2014**

BIMLA

..... Plaintiff

Through: Mr. S.K. Pathak & Mr. Krishna
Parashar, Advocates.

versus

NIRMALA & ANR.

..... Defendants

Through: Dr. D.K. Sharma & Mr. Ashutosh
Somani, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

I.A. 17326/2019 (Condonation of delay)

1. The present Application under Section 5 of the Limitation Act, 1963 has been filed on behalf of the applicant/LRs of deceased Shri Karam Chand seeking condonation of 75 days' delay in filing the Application bearing No. I.A. 17325/2019 under Order XXII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908.
2. For the reasons and grounds stated in the present application, the application is allowed, the delay of 75 days in filing the Application bearing No. I.A. 17325/2019 under Order XXII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 is condoned.
3. The present application is disposed of.



I.A. 17325/2019 (u/O XXII Rule 3 r/w Section 151 of CPC, 1908)

4. The present Application under Order XXII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/Sunita, wife of deceased Shri Karam Chand, seeking impleadment of the applicants/legal heirs of deceased applicant/Karam Chand in place of plaintiff/Bimla.
5. It is submitted in the present application that the suit property was inherited by Late Smt. Bimla by her husband Late Shri Vijay Pal.
6. Learned counsel on behalf of the plaintiff submits that Smt. Bimla has expired who had no issue.
7. Late Smt. Bimla had executed the Will dated 14.05.2013 in favour of the deceased Shri Karam Chand, husband of Smt. Sunita, who is the sister of Late Smt. Bimla.
8. Unfortunately, Late Shri Karam Chand has also expired on 20.06.2019 and is survived by his wife, Smt. Sunita, son, Shri Mohit and daughter, Smt. Varsha. Hence, the prayer is, therefore, made that Smt. Sunita and her son and daughter be impleaded as plaintiffs in place of Late Smt. Bimla.
9. Learned counsel for the defendant, on instructions, submits that he has no objection if the present application is allowed since the matter has been amicably settled.
10. In view of the submissions made, the present application is allowed. Smt. Sunita, wife of Late Shri Karam Chand, Shri Mohit, son of Smt. Sunita and Smt. Varsha, daughter of Smt. Sunita are hereby impleaded as the plaintiffs in place of Late Smt. Bimla.



11. The present application is accordingly disposed of.

I.A. 22174/2023 (Condonation of delay)

12. The present Application under Section 5 of the Limitation Act, 1963 has been filed on behalf of the applicant/Sunita, wife of Late Shri Karam Chand seeking condonation of 55 days' delay in re-filing the Application bearing No. I.A. 22173/2023 under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908.

13. For the reasons and grounds stated in the present application, the application is allowed, the delay of 55 days in re-filing the Application bearing No. I.A. 22173/2023 under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 is condoned.

14. The present application is disposed of.

I.A. 22173/2023 (u/O XXIII Rule 3 r/w Section 151 of CPC, 1908)

15. The present Application under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/Sunita, wife of Late Shri Karam Chand seeking permission to withdraw the present Suit in view of the Compromised Deed dated 22.07.2023.

16. Issue notice.

17. Dr. D.K. Sharma, learned counsel for the non-applicant/defendant, accepts notice.

18. Learned counsel for the applicant/Sunita submits that the matter has been compromised between the parties *vide* Compromised Deed dated 22.07.2023 and on that ground, on instructions, seeks leave to withdraw the present Suit.



19. Learned counsel for the non-applicant/defendant submits that a compromise has been arrived between the parties *vide* Compromised Deed dated 22.07.2023 and further, on instructions, submits that he has no objection if the present application is allowed.

20. In view of the submissions made by learned counsels for the parties, the present application is allowed, leave is granted.

21. Accordingly, the present Suit along with pending application, if any, is dismissed as withdrawn in view of the Compromised Deed dated 22.07.2023 arrived at between the parties.

22. All the parties have undertaken to remain bound by the terms of the Compromised Deed dated 22.07.2023.

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23. In view of the Order passed in Application bearing No. 22173/2023 Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908, the present Suit along with pending application, if any, is dismissed as withdrawn in view of the Compromised Deed dated 22.07.2023.

24. The next date of hearing i.e., 21.11.2023 is hereby cancelled.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 07, 2023
S.Sharma