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

+ **CM(M) 2495/2025 & CM APPL. 81649/2025**

**KRISHAN LAL WADHWA (NOW DECEASED
THROUGH LRS)**

.....Petitioners

Through: Mr. Vaibhav Kush, Ms. Rudrakshi
Gautam, Mr. Nitin Kumar, Ms. Esha
Goyal and Ms. Harshita Pal,
Advocates.

versus

SONIA SEHDEV & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
23.12.2025

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1. Petitioners have assailed order dated 14.02.2025 of the learned trial court, whereby their application under Section 152 CPC for rectification of preliminary decree was dismissed.
2. It appears that the original plaintiff, Shri Krishan Lal Wadhwa passed away prior to passing of the preliminary decree of specific performance of Agreement to Sell, so on his behalf, his sons and daughters filed an application under Order XXII Rule 3 CPC, jointly pleading that Shri Krishan Lal Wadhwa had bequeathed his rights related to the subject property in favour of his sons Mr. Sunil and Mr. Gulshan, so they be allowed to substitute Mr. Krishan Lal Wadhwa. By way of order dated 02.04.2019, the learned trial court allowed the application and specifically observed that the amended memo of parties be taken on record. But despite



that order, the preliminary decree named Shri Krishan Lal Wadhwa and Mr. Sunil Wadhwa only, as co-plaintiffs. The petitioners filed an application seeking rectification of the decree by replacing the name of Shri Krishan Lal Wadhwa with Mr. Sunil Wadhwa. That application was dismissed by way of the impugned order.

3. By application under Section 152 CPC, what was sought is not replacing the name of Shri Krishan Lal Wadhwa with Mr. Gulshan. The application sought substitution of Shri Krishan Lal Wadhwa with Mr. Sunil Wadhwa. That is why the learned trial court observed that the applicant wanted to substitute the original plaintiff with only one LR.

4. At this stage, learned counsel for petitioners submits that Mr. Gulshan has passed away. That being so, learned counsel for petitioners on instructions, seeks permission to withdraw this petition with liberty to file appropriate application under Order XXII CPC before the trial court.

5. The petition and the accompanying application are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

DECEMBER 23, 2025

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