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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 869/2016
SOM DUTTA SHARMA SINCE DECEASED THR HIS LRS

..... Appellant

Through: Mr. Piyush Sharma, Adv.(9810613750),
Mr. Shivam Dubey, Adv., Ms. Ashwini Sharma,
Mr. Avinash Suri, Adv. for Appellant No.2
(8447976744)

versus

LATA SHARMA Respondent

Through: Mr. Pramod Ahuja, Adv. Respondent
Nos. 1,2 and 3 and Mr. Abhishek Sharma
Respondent No. 2 (9811230412)

CORAM: REGISTRAR MS. KAUSHLYA VERMA

ORDER

17.11.2023

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CM APPL.30324/2023 (u/O 22 Rule 3 CPC filed by appellant No.1 seeking substitution of two LR- son and daughter of deceased appellant No.2).

CM APPL.42609/2023 [u/S 151 CPC moved by Mr. Yash Pal Sharma, (husband of appellant No.2) for his substitution in place of deceased appellant No.2]

1. CM APPL.30324/2023 has been moved by appellant No.1-Mr. Ashwani Sharma seeking substitution of two legal heirs being one son and one daughter of deceased appellant No.2-late Smt. Shashi Prabha Sharma, to the exclusion of her husband-Sh. Yash Pal Sharma.
2. Learned counsel for appellant No.1 submits that the present application needs to be decided under section 15 and 16 of Hindu Succession Act and requests this Court that the application be placed before the Hon'ble Court.

Page 1 of 2.



3. This Court, on 31/05/2023 issued notice to Sh. Yash Pal Sharma-husband of deceased appellant No.2.
4. The said Legal heir- Sh. Yash Pal Sharma, has filed CM APPL.42609/2023 for his impleadment as well and submits that the legal heirs of deceased appellant No.2 are required to be brought on record as per Order 22 Rule 3 CPC.
5. In view of the contrary stance taken by the parties, as afore-mentioned, and a vehement averment and submission made by the learned counsel for the appellant No.1 for this matter being listed before the Hon'ble Court, list the applications before the Hon'ble Court on 30/11/2023.

REGISTRAR

NOVEMBER 17, 2023

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page 2 of 2.