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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 926/2018 & CM APPL.47038/2018
ASHWANI KUMAR CHOPRA Appellant

Through: Mr. Dhruv Chawla, Advocate
(9971897143)

versus

FRANKFINN AVIATION SERVICES PVT LTD & ANR

..... Respondent

Through: Mr. Ashutosh Kumar, Adv. for R-1

CORAM: MS. KAUSHLYA VERMA, REGISTRAR

ORDER

% **10.02.2023**

CM APPL.6394/2023 (delay in re-filing)

The present application has been filed by the applicant seeking condonation of delay in re-filing the CM APPL.6393/2023 for substitution of the applicant as sole LR of deceased appellant.

Learned counsel for the applicant submits that appellant expired on 18.01.2020 and the application for substitution of the applicant as sole LR of deceased appellant was initially moved on 05.04.2021 and thereafter, the requisite application, after removal of the defects, was re-riled on 07.02.2023.

Learned counsel for respondent No.1 submits that he has no objection if the delay in re- filing of the application is condoned.

In view of above, the delay in re-filing the

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CM APPL.6393/2023 is condoned.

Application stands disposed of.

CM APPL.6393/2023 (u/O 22 Rule 3 CPC)

The present application has been filed by the applicant- Mrs. Kiran Chopra seeking her substitution as sole LR of deceased appellant on the basis of a Registered Will dated 04.12.2019. The other LRs being sons of the deceased appellant have given their no objection by way of Affidavit. A copy of death certificate is annexed to the application.

Notice.

Mr. Ashutosh Kumar, Advocate accepts notice on behalf of respondent No.1 and submits that he has no objection if this application is allowed.

Learned counsel for the applicant submits that respondent No.2 is a proforma party and there is no requirement to serve respondent No.2.

In view of above, the application is allowed. The applicant- Mrs. Kiran Chopra, as mentioned in the application, is brought on record. Amended memo of parties filed alongwith the application is taken on record.

RFA 926/2018

List this matter before the Hon'ble Court on 13.03.2023.

REGISTRAR

FEBRUARY 10, 2023

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