

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE/FTC II  
LUCKNOW**

RCA No.17 of 2013

Amarnath Khanna through LRs .....Appellant

Versus

Ram Kapoor and others .....Respondents

FF:18.03.2020

**APPLICATION UNDER ORDER XXII RULE 2 AND RULE 4 READ  
WITH SECTION 151 CODE OF CIVIL PROCEDURE FOR  
DELETING THE NAME OF RESPONDENT NO.5/1 SRI HIRDAY  
NARAIN KAPOOR FROM THE ARRAY OF LEGAL HEIRS OF  
DECEASED RESPONDENT NO.5 IN THE SUBSTITUTION  
APPLICATION DATED 14.10.2014 (A-29)**

The appellant most humbly and respectfully submits as under:-

1. That the appellant Sri Amarnath Khanna has filed the above noted appeal against the judgment and decree dated 21.12.2012 passed by learned trial court and during the pendency of the appeal before this Hon'ble Court the respondent no.5 Smt Shanti Kapoor died on 12.01.2014 leaving behind her legal heirs including her husband Sri Hirday Narain

Kapoor as such the substitution application dated 14.10.2014 (A-29) has been moved.

2. That during the pendency of the appeal the sole appellant Amarnath Khanna also died and the legal heirs of the deceased appellant have already been substituted as appellant no.1/1 to 1/7 vide order dated 04.02.2020 passed by this Hon'ble Court allowing the substitution application (A-55).
3. That the husband of deceased respondent no.5 Sri Hirday Narain Kapoor has also died on 30.12.2019 and as such in substitution application dated 14.10.2014 (A-29) the following correction is required.

In para 2 of the substitution application the name of Sri Hirday Narain Kapoor son of late Manohar Lal Kapoor deserves to be deleted as dead and the figure ii to vi deserves to be rearranged as figure i to v in the name of remaining legal heirs of deceased Smt Shanti Kapoor as well as deceased Sri Hari Narain Kapoor. Similarly in para 4 the description of proposed respondent no.5/1 Hirday Narain Kapoor deserves to be deleted as dead and the figure 5/2 to 5/4 be rearranged as figure 5/1 to 5/3 prior to the description of remaining legal heirs of deceased Shanti Devi Kapoor and Hirday Narain Kapoor.

4. That the legal heirs of deceased Hirday Narain Kapoor are already arrayed in the substitution application as such no further substitution in place of respondent no.5 except surviving legal heirs 5/1 to 5/3 deserves to be substituted.

5. That the substitution/deletion application is well within prescribed period of limitation and the same deserves to be allowed in the interest of justice.

**PRAYER**

It is, therefore most respectfully prayed that the Hon'ble Court be pleased to allow the appellant to delete the name of Sri Hirday Narain Kapoor from the array of legal heirs of deceased respondent no.5 in the substitution application and accordingly the substitution application (A29) be allowed to be corrected.

The appellant shall ever pray for this act of kindness.

Lucknow

Dated:18.03.2020

**(X)**

Advocate

Counsel for Appellant

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**AFFIDAVIT IN SUPPORT OF APPLICATION**

I, Rishi Khanna, aged about 58 years, son of late Amarnath Khanna, resident of Coopers Building, House No.39/33, Raam Teerth Marg, Narahi, P.S.Hazaratganj, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is appellant 1/5 himself and attorney of remaining appellants and dully authorized to sign and swear this affidavit on their behalf also as such he is fully conversant with the facts deposed.
2. That the contents of para 1 to 5 of the application are true to my personal knowledge.

Lucknow

Dated:18.03.2020

Deponent

**VERIFICATION**

I, the deponent above named do hereby verify that the contents of para 1 and 2 of the affidavit are true to my personal knowledge.

Signed and verified this 18<sup>th</sup> day of March 2020 at Lucknow.

Lucknow

Dated:18.03.2020

Deponent

I identify the deponent who has signed before me.

Advocate