

RCT No. 27/2026

Harish Gupta vs Dr. Ashwani Kumar Alag (deceased)

29.05.2026

File taken up today as 28.05.2026 was declared holiday on account of 'Id-ul-Zuha' vide notification no.77/I-G-4/Genl.-I/DHC dated 26.05.2026.

Present: Sh. Sanjay Aggarwal, Ld. Counsel for appellant.
Sh. Jalaj Garg, SPA holder of LR of respondent
along with LR Rita Alagh.

TCR received.

Arguments heard on the application under Section 32 of Advocates Act 1961.

The legal heir of respondent namely Rita Alagh has executed a Special Power of Attorney in favour of her son-in-law Mr. Jalaj Garg authorising him to appear, act, sign, file applications, lead evidence, examine and cross-examine witnesses, address arguments and conduct all proceedings on her behalf for any connected or consequential proceedings including the proceedings pending before the court of Ld. ARC-02, Central, Delhi. Respondent is a senior citizen and seeks assistance of her SPA holder for efficient conduct of the proceedings. SPA holder is fully conversant with the facts and circumstances of the case, has been assisting the respondent and is competent to conduct the proceedings. Ld. Counsel has relied upon the following judgments:-

1. Harishankar Rastogi vs Girdhari Sharma (1978) 2 SCC 165.
2. Amiya Kanti Das vs Smt. Sefalika Ash (2019), Calcutta High Court.
3. S. Ramachandra Rao vs S. Nagabhushana Rao (2022) of Supreme Court.
4. T. C. Mathai vs District & Sessions Judge (1999) of Supreme Court.
5. Goa Antibiotics & Pharmaceutical Ltd. vs R. K.Chawla (2011) 7 SCR 846.

Reply to the application has been filed on behalf of appellant where they denied the contention of the respondent. It is stated that the contentions raised in the application are false and concocted one. The applicant has failed to disclose the educational qualification of Sh.Jalaj Garg and the said omission is on account of the fact that the applicant is aware that he is a layman and not conversant with legal acumen.

Considering the judgments relied upon by the respondent and further the fact that SPA is well conversant with the facts of the case and has been authorised by LR of respondent herself, he is allowed to argue the matter on behalf of respondent. Application is accordingly allowed.

Put up for arguments on the present appeal on 16.07.2026.

(Anju Bajaj Chandna)
Principal District & Sessions Judge (Central)
Delhi/29.05.2026