

CS 84/23
MEHBOOB ALI Vs. SHAKIR

22.05.2024

Pr.: Plaintiff in person with counsel Sh. Suhail Azhar.

Plaintiff has filed his affidavit in exparte evidence.

However, perusal of the record shows that this suit has been filed under Order XXXVII CPC. When the suit was pending for arguments on maintainability under Order XXXVII CPC, defendant expired and an application under Order XXII Rule 4 CPC was filed for bringing LRs of defendant on record. Notice of the same was issued to proposed LRs of deceased defendant. LRs of deceased defendant were served.

Since, none appeared for LRs of defendant on 04.04.2024, they were proceeded exparte. In that background, plaintiff has filed his affidavit in exparte evidence, however, arguments on maintainability of suit under Order XXXVII CPC have not yet been advanced.

Considering the same, case is adjourned to **10.07.2024** for arguments on maintainability of suit under Order XXXVII CPC.

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
22.05.2024 (mk)