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CS No. 2408/16

HARPAL Vs. SMT. RAJ KALI

14.11.2025

Present : Sh. S. Gaurav Sasan, Ld. Counsel for the plaintiff
(through VC).
Plaintiff in person.
Sh. Badre Alam, Ld. Counsel for the defendant no. 2
alongwith defendant no. 2.
Sh. Sandeep Saurabh, Ld. proxy counsel for
defendants no. 4 and 7 (through VC).
Defendant no. 4 in person.

Matter is fixed for arguments on application under Order I Rule 10 CPC, reply and arguments on application under Order VII Rule 14 of CPC and consideration on application under Order XXIII Rule 3 of CPC.

Today, an application under Order VII Rule 14 r/w Section 151 of CPC is filed on behalf of defendant no. 2 for taking copy of judgment dated 29.08.2025 passed in civil suit no. 144/24 titled "Usha & Anr. Vs. The State (Govt. of NCT of Delhi) on record.

Ld. counsel for the defendant no. 2 submits that applications under Order VII Rule 14 CPC filed today and on 08.01.2025 have been filed under wrong provision of law and same may be treated as application under Order VIII Rule 1A(3) of CPC.

In view of the submissions, applications under Order VII Rule 14 CPC filed on behalf of the defendant no. 2 are treated as application under Order VIII Rule 1A(3) of CPC.

Submissions heard on application under Order VIII Rule 1A(3) CPC filed today. Record perused.

It is stated on behalf of the defendants no. 2 that vide aforesaid judgment dated 29.08.2025, decree of declaration was passed declaring that Smt. Rajkali (defendant no. 1 herein) succumbed to civil death from the date of filing of the said suit.

For the reasons mentioned in the application, **application under Order VII Rule 14 CPC filed today (treated as application under Order VIII Rule 1A(3) of CPC) stands allowed.** Copy of judgment is taken on record.

Ld. counsel for defendant no. 2 submits that proposed defendant / Smt. Raj Bala for whose impleadment application under Order 1 Rule 10 r/w Section 151 of CPC was filed on 08.01.2025, expired on 12.08.2025. Copy of death certificate of Smt. Raj Bala is placed on record.

Submissions heard.

In view of submissions and death of proposed defendant / Smt. Raj Bala, **application under Order I Rule 10 r/w Section 151 of CPC has become infructuous and accordingly disposed off as dismissed.**

Perusal of the record shows that application under Order VII Rule 14 r/w Section 151 of CPC filed on behalf of the

defendant no. 2 on 19.12.2023 for placing on record Will was dismissed as withdrawn on 11.03.2024.

In view of judgment filed by defendant no. 2 on record, certain clarifications are required on application under Order XXIII Rule 3 r/w Section 151 of CPC filed on behalf of the plaintiff.

Put up for reply and arguments on application under Order VII Rule 14 CPC (**treated as application under Order VIII Rule 1A(3) of CPC**) filed on behalf of the defendant no. 2 on 08.01.2025/ clarification on application under Order XXIII Rule 3 r/w Section 151 of CPC filed on behalf of the plaintiff, on **16.12.2025**.

(SOMITRA KUMAR)
DJ-06, EAST/ KKD COURTS
DELHI/14.11.2025 ^(R)