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CS No. 2408/16

HARPAL Vs. SMT. RAJ KALI

CNR No. DLET010031942016

24.08.2026

Present : None for the plaintiff.
 Sh. Badre Alam, Ld. Counsel for the defendant
 no. 2 alongwith defendant no. 2.
 Defendant no. 4/ Harbans Singh in person.
 None for the other defendants.

1. Matter is fixed for consideration on application under Order I Rule 10 r/w Section 151 of CPC and on application r/w Section 151 CPC as well as arguments on application under Order XXIII Rule 3 r/w Section 151 of CPC.

2. As per record, application under Order I Rule 10 r/w Section 151 of CPC moved on behalf of defendant no. 2 seeking to implead Smt. Raj Bala was filed on 08.01.2025. Perusal of the record would show that said Raj Bala has already expired. Copy of her death certificate is already on record and said application stood dismissed having become infructuous vide order dated 14.11.2025. It seems that due to inadvertence, the said application was being re-agitated on the LDOH.

3. Record would further show that defendant no. 2 had also moved an application under Order VII Rule 14 CPC (treated as application under Order VIII Rule 1(3) CPC) for placing on record Will dated 01.06.2015 executed by defendant no. 1 in favour of defendant no. 2. The said application stood dismissed as withdrawn vide order dated 11.03.2024. Thereafter, another

application under Order VII Rule 14 CPC (treated as application under Order VIII Rule 1(3) CPC) was moved on behalf of defendant no. 2 for placing on record copy of judgment dated 29.08.2025 in CS no. 144/2024 whereby decree of declaration was passed that defendant no. 1 herein Smt. Raj Kali has expired. The said application was allowed vide order dated 14.11.2025. Thereafter, one more application under Order VII Rule 14 CPC (treated as application under Order VIII Rule 1(3) CPC) was filed on behalf of defendant no. 2 seeking to place on record three notarized family settlement deeds dated 09.04.2016 executed between plaintiff, Smt. Raja Bala (mother of plaintiff), Prem Pal and defendant no. 3/ Jai Singh. Reply to the said application is already on record. The said application is yet to be adjudicated.

4. Record would further show that matter was referred to Mediation Centre, where a settlement was arrived at between the parties on 23.08.2019. Thereafter, defendant no. 2 moved an application under Section 151 of CPC seeking directions to set aside the mediation settlement dated 23.08.2019 or to adjourn the matter sine-die till appearance of defendant no. 1. It was averred that mediation settlement is legally incorrect and invalid since the same dealt with property bearing no. 88/2, Gali no. 1 situated in village Shakarpur Khas, Shahdara, Delhi, which was exclusively owned by the defendant no. 1/ Smt. Raj Kali. It was averred that since defendant no. 1 was missing and was not heard of for the last several years, however, she was not declared to be dead by

any court of law and due to this reason, the mediation settlement which had taken place in her absence cannot have any binding effect upon the parties.

5. Record would show that during the pendency of the proceedings, it was apprised that civil suit bearing no. 144/2024 titled “Usha & Anr. Vs. State” was filed before Ld. Senior Civil Judge, Karkardooma Court, Delhi seeking declaration of civil death of defendant no. 1/ Smt. Raj Kali. The same was decided vide judgment dated 29.08.2025 and a decree of declaration was passed thereby declaring that defendant no. 1/ Smt. Raj Kali succumbed to civil death from the date of filing of the said suit. Copy of judgment has been placed on record by defendant no. 2 himself.

6. Another application under Order XXIII Rule 3 r/w Section 151 of CPC moved on behalf of the plaintiff is also pending adjudication seeking directions for implementation of mediation settlement.

7. Put up for arguments on application under Order XXIII Rule 3 r/w Section 151 of CPC and for consideration on applications under application under Order VII Rule 14 CPC (treated as application under Order VIII Rule 1(A) CPC) and application under Section 151 CPC on **27.10.2026**.

(GAURAV GUPTA)
DJ-06, EAST/ KKD COURTS
DELHI/24.08.2026 r