

13/09/2022

Present: Plaintiff with Ld. Counsel Sh. Anil Kumar
Saxena.
Sh. Omvir Singh, Ld. Counsel for the
defendant.

Sh. Saxena submits that plaintiff no.2 has been acting as GPA for the deceased plaintiff no.1, who has expired on 17.10.2021.

Ld. Counsel states that the deceased is survived by the plaintiff no.2 as well as his younger brother Sh. Yogesh Kumar and two sisters, namely Smt. Rekha and Smt. Rooma and these parties are not interested in pursuing the present suit which can be continued by the plaintiff no.2 alone as far as his right to continue with the suit is alive.

Since no step has been taken for substitution of deceased plaintiff no.1 and the period of 90 days w.e.f. 17.10.2021 has already expired long ago, therefore, the suit abates qua the plaintiff no.1.

A copy of death certificate with list is filed and copy is supplied. Defendant present in the court states that she is aware about the demise of plaintiff no.1.

Let the amended memo of parties be placed on record immediately with copy to other side.

In view of the joint submissions, present case is referred to Mediation Cell for 15.09.2022 at 12:30 p.m to explore the possibility of settlement. Both the parties are directed to appear before the Mediation Center on the date and time fixed.

Put up for verification of the settlement, if any, and further proceedings on **09.01.2023**.

(Sanatan Prasad)

Addl. District Judge-02 (East)
Karkardooma Courts/ 13/09/2022