

CS No. 548/16
Nawab Khan Vs. Rani @ Fatima

07.12.2023

Present : Plaintiff in person.
Sh. Mohd. Yusuf, Ld. Counsel for proposed LR's of
defendant.

During the course of oral submissions, Ld. Counsels of both parties submit that they have no objection if the father be appointed natural guardian to both the children of the Late Rani @ Fatima. In these circumstances, father is hereby appointed as natural guardian of both the children.

An application under Order XXII Rule 4 r/w Sec. 151 CPC has already been filed by the plaintiff.

Submissions heard. Application perused carefully.

The provisions of Order XXII CPC are procedural and ought not be subject to narrow construction. Right to sue survives but not only against the surviving defendants also. Thus, in view of the reasons assigned in the application and in the interest of justice, the application under Order XXII Rule 4 CPC is hereby allowed and Nafis(defendant no. 2), Ruhi(daughter), and Mohd. Rizwan(son) of deceased defendant Late Rani @ Fatima be impleaded as legal representatives of deceased defendant Late Rani @ Fatima.

Accordingly, In view of the above submission/admissions Father namely Nafis of both children namely i.e. Ruhi and Mohd. Rizwan be appointed as natural guardian as he seems not to have any adverse interest qua the children. Let amended memo of parties be filed.

Put up for further proceedings on **16.04.2024**.

(Manu Vedwan)
ADJ-02/North-East, KKD Courts,
Delhi/07.12.2023