

21.12.2024

Present: Brother of plaintiff with ld. counsel Mr. Mohd. Uwaiz.
None for defendant no. 1 to 5.
D-6 not served.
D-7 in person (proceeded ex-parte vide order dated 20.07.2024).
Ld. Counsel for applicants/Prashant Singh, Prabhat Singh and Pratap Singh (in impleadment application u/O I Rule 10 CPC).

Summons sent to D-6 have come back unexecuted. Plaintiff is directed to bring on record fresh address of D-6 and serve D-6 at the said fresh on filing of PF/RC/speed post returnable for NDOH.

Counsel for plaintiff submits that he shall move an appropriate application for service of D-6 through substituted service. Let the same be done as per law.

Counsel for plaintiff submits that as far as the impleadment application is concerned, mother of applicants namely Shama Parveen had converted to Hinduism on her marriage to one Prakash Singh and thus, she ceased to be a Hindu and therefore, as per Shariyat law, the applicants cannot claim share in the suit property and therefore there is no requirement of their impleadment in this case. Parties seek time to place on record some case law in support of the aforesaid contention.

Again, there is another application u/O XXIII Rule 3 CPC.

List for arguments/consideration of the aforesaid applications and appearance of D-6 on 22.02.2025.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
21.12.2024