

CS DJ 341/17

PARDEEP ARORA Vs. KITTY RAJPAL AND ORS

17.04.2025

Present: Sh. Rajeev Kumar Jha Sh. Rajeev Kumar Sharma, counsel
for the plaintiff with plaintiff.

Sh. Rajesh Kaushik and Sh. Sidhant Mor, Counsel for the
defendants.

Counsel for the defendants has filed on record his memo of
appearance today.

Counsel for the defendants are directed to file his
vakalatnama on or before the next date of hearing.

Counsel for the defendants presses his application supported
by affidavit dated 15.01.2025 for waiver of costs.

Heard.

For reasons stated in the application, the costs are reduced
to Rs.5,000/-. Same stands paid to the plaintiff who is present in the
court.

Counsel for the defendants seeks time to inspect the record.
Counsel for the defendants state that the suit is not maintainable against
the legal heirs.

Per contra, Counsel for the plaintiff has relied upon the case
titled as *Sanjeev Jain vs. Rajni Dhingra & Ors., dated 19.12.2018*
bearing CS (OS) 378 / 2018 & I.A. 16982/2018 passed by the Hon'ble
High Court of Delhi.

Heard.

It is case of the plaintiff that Kitty Rajpal is the wife of late

contd....2

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Ajay Rajpal. Defendants no.2 and 3 are daughters of late Ajay Rajpal. Money was lent to late Ajay Rajpal and after his death, the legal heirs will be liable to the extent of the Estate which has come to the hands and is not duly disposed off.

The case relied upon by the plaintiff is fully applicable to the facts of the present case and the summons in the prescribed format u/o 37 CPC were rightly issued on 19.04.2017.

The objection regarding maintainability raised by the defendants, is rejected.

The defendants are granted last opportunity to argue on the pending applications failing which the court will hear the counsel for the plaintiff on the next date of hearing and pass appropriate orders.

At request of the counsel for the defendants who wants to inspect the record, to come up on **17.07.2025** for arguments subject today's costs of Rs.2,000/- to be paid by Demand Draft to the plaintiff by the defendants.

(VIKRAM BALI)
DISTRICT JUDGE-2/NORTH/ ROHINI
COURT/DELHI/17.04.2025