

10 CS DJ ADJ 975/22 ASHOK KUMAR GUPTA Vs. ANIL KUMAR AND OTHERS

05.11.2024

Present: Ms. Suman Nayar, Ld. Proxy counsel for Sh. L K Agnihotri,
Ld. Counsel for plaintiff.

Defendant no. 1 stated to be expired.

Sh. Baldev Krishan, Ld. Counsel for defendant no. 2 along
with defendant no. 2.

None for defendant no. 3.

None appeared for defendant no. 3 despite repeated calls since morning. In the interest of justice, no adverse order is passed today.

Defendant no. 2 who has appeared in the court submits that, defendant no. 1 is her real brother and left for heavenly abode on 06.09.2022. It is also submitted that, plaintiff is duly aware about this fact.

Record reveals that, present suit is instituted on 11.10.2022. Hence, same is not maintainable qua defendant no. 1 as no suit can be filed against a dead person. In view thereof, defendant no. 1 stands deleted. Plaintiff is directed to file amended memo of parties.

Let complete paper-book be supplied to defendant no. 2 within a week.

Put up for further proceedings on **09.12.2024**.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 05.11.2024 (sr)