



* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 85/2019
KISHAN CHAND GUPTA TRADING AS O.K. MASALA
COMPANY

Through: Ms. Nisha, proxy counsel for
LRs.except LR(iv) Ms. Komal Phore
(VC)
Mr. Jatin Sapra, Adv. for LR(iv) Ms.
Komal Phore

KAMLESH TEA ESTATE PVT. LTD.

Through: Mr. Deepak Shrivastava, Adv.(VC)

ORDER
26.02.2024

I.A. No. 3369/2022 (under Order XI Rule 14 r/w Section 151 CPC for production of Affidavit/NOC from the other LR's of late She Kishan Chand Gupta in consonance with the court order dated 19/11/2022 passed in I.A. No. 459/2022).

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of the applicant. Along with the said IA, another IA 3369/2022 was moved for placing on record the affidavits of NOC's on behalf of the other legal heirs. At that point of time, there were a total of 8 surviving legal heirs, details of whom are mentioned as under -

1. Neelam Gupta (wife)
2. Vinod Gupta (son)
3. Ms. Komal Phore (daughter)
4. Ms. Saroj Gupta (daughter)
5. Mrs. Kavita Gupta (wife of the plaintiff's *pre-deceased* son late OP Gupta)
6. Jayant Gupta (son of late OP Gupta/grand-son of plaintiff)
7. Deepa Gupta (daughter of late OP Gupta/grand-daughter of plaintiff)
8. Akshita Gupta (daughter of late OP Gupta/grand-daughter of plaintiff)

Subsequently, Mrs. Neelam Gupta expired and she was deleted from the array of legal heirs who were to submit their NOC's.

The IA of Mr. Vinod Gupta to be brought on record as the sole heir was opposed by Ms. Komal Phore(daughter of the plaintiff). However, the said IA was itself withdrawn on 20.11.2023, leaving only the IA 3369/2022 to bring on record the NOC's of the other legal heirs of the plaintiff as pending. Notice was issued to all the other legal heirs since on behalf of Ms. Komal Phore, the NOC's/affidavits had also been strongly objected to. The Court notice could not be served on Ms. Saroj Gupta as she was not found at the given address of Preet Vihar. The other legal heirs have joined through the VC today. Ms. Komal Phore is being represented through a Counsel. On a



specific query by the Court, Id. Counsel appearing for legal heir Vinod Gupta who also was appearing along with the other legal heirs of the plaintiff through VC, submitted that they have no other details of the residence of Ms. Saroj Gupta. Id. Counsel for Ms. Komal Phore also submitted that on account of family disputes, she is not in touch with Saroj Gupta. It needs a highlight that in the IA filed by Vinod Gupta to place on record the NOC's of other legal heirs, affidavit/NOC of Saroj Gupta is also mentioned. Given the fact that legal heir Mr. Vinod Gupta has already withdrawn his application to be brought on record as the sole legal heir, and Ms. Saroj Gupta could not be served with the Court Notice, in the best understanding of the Court, it is appropriate to bring on record all the surviving legal heirs of the plaintiff. The IA no.3369/2022 is disposed off accordingly. Amended Memo be filed within 4 weeks. Id. Counsel for Ms. Komal Phore and for Mr. Vinod Gupta are directed to make efforts to file fresh address of Ms. Saroj Gupta.

Put up again for further proceedings on 7.5.2024.

**Dr. AJAY GULATI (DHJS),
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 26, 2024

Click here to check corrigendum, if any