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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ EX.P. 18/2019, EX.APPL.(OS) 136/2019, CRL.M.A. 439/2020  
EX.APPL.(OS) 744/2019, EX.APPL.(OS) 176/2023, EX.APPL.(OS)  
128/2023, EX.APPL.(OS) 106/2023, EX.APPL.(OS) 1473/2023  
INDRA SINGH & SONS PVT. LTD. .... Decree Holder

Through: Mr. Amitabh Chaturvdi, Mr. Ankit  
Monga and Mr. BLN Sanjit,  
Advocates

versus

ROOP INDER KAUR & ORS. .... Judgement Debtors

Through: Mr. Nitin Gupta, Mr. Keshav Ray and  
Mr. Ayush Chauhan, Advocates for  
JD-1  
Mr. Jeevesh Nagrath, Mr. Arjun Gaur  
and Mr. Rajat, Advocates for JD-2  
Mr. Gurmehar S. Sistani, Ms. Natasha  
Thakur and Mr. Jassimran Dep Singh,  
Advocates for JD-7-10

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**29.01.2024**

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**O.A. 119/2023(for Recalling of the Order dated 16.02.2023)**

1. The present application has been filed under Chapter II Rule 5 of the Delhi High Court Original Side Rules for Recalling of the Order dated 16.02.2023 passed by the learned Joint Registrar allowing the application under Order XXII Rule 4 CPC.
2. It is submitted in the application that Judgement Debtor No.1 Smt.



Roop Inder Kaur had died on 14.01.2023.

3. An application was filed for impleadment of her two daughters Ms. Satnam Sandhu and Ms. Mehr Kaur Sandhu being her Class 1 legal heirs. The application was allowed by the Learned Joint Registrar vide Order dated 16.02.2023. Learned counsel on behalf of the Judgement Debtor No. 2 has filed the present Chamber Appeal on the premise that Smt. Roop Inder Kaur had died issueless and the Judgement Debtor No. 2, the brother of Judgement Debtor No. 1 is the only surviving class II legal heir and is entitled to be impleaded as the legal heir of the Judgement Debtor No.1.

4. The perusal of the record shows that Ms. Satnam Sandhu and Ms. Mehr Kaur Sandhu were stated to adopted daughters of Smt. Roop Inder Kaur.

5. If Judgement Debtor No. 2 has any objection about the validity of the adoption or that no adoption took place, he has got an independent right to challenge the status of the two daughters as being adopted by the deceased Judgement Debtor No.1 during her lifetime. The controversy is about the status of the daughters as adopted by Judgement Debtor No. 1, it cannot be considered in this present application for substitution of the LRs of Judgement Debtor No.1.

6. Learned counsel for the Judgement Debtor No.2 further submits that the learned counsel who appeared on behalf of the Judgement Debtor No.2 had no authority executed in his favour by Judgement Debtor No. 2 and had wrongly given a statement that there was 'No objection' if the application for substitution was allowed. It is asserted that she had no instructions to appear in the court on behalf of Judgement Debtor No. 2 and that a fraud had been committed when she made a statement that she had no objection on



behalf of the Judgement Debtor No 2 for allowing the application for substitution of the LRs of Judgement Debtor No.1.

7. If the learned counsel has misconducted herself and given the statement in the Court without instructions, it is for the Judgement Debtor to approach the appropriate forum for redressal of his grievances.

8. There is no merit in the present application and is hereby dismissed.

**EX.P. 18/2019**

9. List on 07.03.2024.

**NEENA BANSAL KRISHNA, J**

**JANUARY 29, 2024/PT**