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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA(COMM) 153/2024 & CM Nos.24884-86/2024

NARESH KUMAR BHARDWAJ (DECEASED)

THROUGH LRS

..... Appellant

Through: Mr Vikas Yadav, Mr Subhash Dixit
and Mr Vijender Singh Yadav, Advs.

versus

INDIAN BANK & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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29.04.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.24886/2024

1. Allowed, subject to just exceptions.

RFA(COMM) 153/2024, CM No.24884/2024 [Application filed on behalf of the appellant seeking condonation of delay of 31 days in filing the appeal] & CM No.24885/2024 [Application filed on behalf of the appellant seeking interim relief]

2. The appellants before us are legal representatives of the deceased Naresh Kumar Bhardwaj, who was one of the guarantors and was arrayed in the suit action as defendant no.3.

3. This appeal has been preferred against the judgment and decree dated 22.12.2023 whereby, the suit has been decreed for Rs.12,76,617/-, along with *pendente lite* and future interest at the rate of 9% per annum.

RFA(COMM) 153/2024

page 1 of 2



4. Insofar as the appellants are concerned, the impugned judgment explicitly states that their liability shall be restricted to the extent they have inherited the estate of the deceased.
5. Learned counsel for the appellants states that that the trial court has failed to appreciate the crucial issues concerning limitation and the varied figures pertaining to the outstanding amount which appear in various documents relied upon by the respondents.
6. According to us, the matter requires examination.
7. Issue notice to the respondents *via* all permissible modes, including e-mail.
8. List the matter on 12.08.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

APRIL 29, 2024

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Click here to check corrigendum, if any