



\$~18

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 623/2022, I.A. 16607/2022, I.A. 16608/2022 & I.A. 21709/2022

NUPUR RUSTAGI & ORS.Plaintiffs

Through: Mr. Hari Kishan, Advocate.

versus

PRABODH KUMAR RUSTAGI & ORS.Defendants

Through: Mr. Saurabh Goel, Advocate for proposed D-5.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **17.12.2025**

I.A. 21709/2022 (u/O-VI R-17 and O-I R-10 of CPC)

1. Without prejudice to the rights and contentions of the plaintiffs in the present suit, counsel for the plaintiffs does not wish to press the present application.
2. The application is dismissed as not pressed.

I.A. 16608/2022 (u/O-XXXII R-1 & 4 of CPC)

3. This application has been filed on behalf of the plaintiffs seeking to appoint the plaintiff no.3 as the next friend of the plaintiff no.4 to contest the present suit as the plaintiff no.4 was minor when the suit was filed.
4. Since there is no contest, the present application is allowed and the plaintiff no.3 is permitted to initiate the suit as next friend on behalf of plaintiff no.4.
5. To be noted, the plaintiff no.4 has now attained majority.



6. In view of the above, the application stands disposed of.

CS(OS) 623/2022

7. Counsel for the plaintiffs submits that the defendant no.1 has since expired and an amended memo of parties has been filed.

7.1. However, the same is not on record.

7.2. Counsel for the plaintiffs shall take steps to have the same placed on record.

8. The record of the case bears out that none has been appearing on behalf of the defendants no.2 and 3 for the last few dates.

9. Today also, none appears on behalf of the defendants no.2 and 3. Hence, the defendants no.2 and 3, who are also the legal representatives of the defendant no.1 are proceeded against *ex parte*.

10. List for framing of issues on 11th February, 2026.

AMIT BANSAL, J

DECEMBER 17, 2025

Rzu