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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 635/2024 & CM APPL. 55671/2024, CM APPL. 55672/2024,**
CM APPL. 55673/2024 and CM APPL. 55674/2024
DEEPAK DIESHAppellant

Through: Mr. S.C. Singhal, Adv.

versus

RAJNI SAXENA (SINCE DECEASED) THROUGH LRS.
AND ORS.Respondents

Through: Mr. Tarique Siddiqui, Adv. with Mr.
Sunil Verma, Mr. Abhishek K.
Tanwar, Mohd. Bilal, Mr. Fajallu
Rehman, Ms. Lakshmi, Mr. Anirudh
Sharma and Ms. Aneeta Verma,
Advs. for R-1&2.

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

% **ORDER**
23.09.2024

CM APPL. 55672/2024 *[Seeking exemption from filing certified copies of annexures]*

1. Allowed, subject to all just exceptions.
2. The Application is disposed of.

CM APPL. 55673/2024 *[Seeking exemption from filing Decree Sheet]*

3. Allowed, subject to the Appellant filing the Decree Sheet within four weeks.
4. The Application is disposed of.



RFA 635/2024 & CM APPL. 55671/2024 [Stay] and CM APPL. 55674/2024 [Seeking impleadment]

5. The present Appeal impugns a Judgment and Decree dated 30.05.2024 passed by the learned District Judge-01, New Delhi District, Patiala House Courts, New Delhi [hereinafter referred to as the “Impugned Judgment”]. By the Impugned Judgment, the suit of the Respondent Nos. 1 and 2 has been decreed with respect to prayer clause (a), (b), (c) [to the extent of not creating third party interest in the suit properties] (c)(3) and (c)(4) prayer clause.

6. Learned Counsel for the Respondent Nos. 1 and 2 raises a preliminary objection with respect to the Power of Attorney which has been placed on record by the Appellant to submit that the said Power of Attorney is a Special Power of Attorney and only authorises the Attorney in respect of suit *No. 58495/2016* titled “*Rajni Saxena Through Lrs. v. Deepak Diesh and Ors.*” and *Suit No.897/2019* titled “*Deepak Diesh v. Basanti*” and not the present Appeal.

7. Learned Counsel for the Appellant submits that he will take necessary steps to file a fresh Power of Attorney within four weeks.

8. List on 16.12.2024.

TARA VITASTA GANJU, J

SEPTEMBER 23, 2024/SA

Click here to check corrigendum, if any