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

+ **RSA 50/2012, CM APPL. 5161/2012 & CM APPL. 35056/2023**

DELHI DEVELOPMENT AUTHORITYAppellant

Through: Appearance not given.

versus

HARI SON OF SHRI BHARTARespondent

Through: Mr. Ankit Singh Sinsinwar and
Mr. Ravi Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **17.07.2026**

CM APPL. 21335/2016 & 21336/2016

1. Application bearing CM APPL.21335/2016 under Order XXII Rule 4 read with Section 151 of CPC has been filed on behalf of the Appellant, for substation of LR's of deceased Respondent / Sh. Hari.
2. It is submitted that it has now transpired that Respondent has since expired. On the directions of this Court vide Order dated 30.09.2014, Appellant enquired about status of Suit Land and on physical verification, it was found that the land was lying vacant and there was some chapper, etc. and some construction was being carried out. It also transpired that Respondent / Hari had expired on 23.11.2003.
3. Appellants, on local enquiry, found about the LR's of the deceased Respondent Hari and thereafter, moved CM APPL. 14129/2015. Appellant further stated that subsequently, it was found that name of LR's, as mentioned in the earlier Application, was not correct. Therefore, permission was sought to move a fresh Application under Order XXII Rule 4 of CPC.



4. One son Sh. Kalyan Singh has also died. Therefore, now Respondent Hari is survived by Smt. Dhanwanti (his wife), Sh. Kamal Singh (his son), Smt. Sudesh (wife of deceased son), Sh. Rahul (son of deceased son) and Ms. Swati (daughter of deceased son). It is submitted that these legal heirs may be brought on record, in place of Respondent Hari.

5. Application is supported with **CM APPL.21335/2016, under Section 5 Limitation Act**, seeking condonation of delay in filing the Application. It is submitted in the Application that demise of Respondent Hari had not been brought to the knowledge of the Appellant. Thereafter, details of his legal representatives were not available, which were found after much investigation by DDA. Therefore, it is submitted that delay in filing the Application is on account of time taken to trace the LRs of the deceased. Hence, prayer is made that the delay be condoned.

6. **Learned counsel for the Respondent has filed Reply** to the Application, wherein it is submitted that Respondent Sh. Hari, during his lifetime, had transferred the Suit Property to Sh. Kartar Singh / his nephew (*bhanja*), who was in possession of the Suit Property till his demise on 19.07.2003, and was survived by his legal heirs. Applicants have nothing to do with the Suit Property and they have no right, title or interest in Suit Property and therefore, they be not impleaded as Respondents.

7. During the course of arguments, learned counsel for the Appellant submits that Appellant has wrongly claimed that Responent Hari died on 23.11.2023, which was the date when Sh. Kartar Singh had died. In fact, Hari died on 03.032011 and copy of his Death Certificate No.22037, issued by Government of Uttar Pradesh, has been handed over today, which be taken on record.



8. Respondent Hari is survived by his wife, one son and three legal heirs of his deceased son. In so far as the claim that Suit Property got transferred in favour of Sh. Kartar Singh, is a question of merit and cannot be considered at this stage.

9. Though, as per the record, Respondent Hari died on 03.03.2011 and the Application was filed on 07.04.2015, which was again filed on 10.03.2016, Suit stood abated on account of non-bringing the LRs on record, while no separate Application has been filed under Order XXII Rule 9 of CPC set aside the abatement, but Application under Section 5 of Limitation Act is essentially one for condonation of delay, which inherently includes relief of setting aside the abatement. Cogent reasons have been explained for delay by the DDA.

10. For the reasons stated in the Application, delay in condoned and Legal Heirs are brought on record.

11. Amended memo of parties, which is already on record, be brought on the Top of the File.

12. Both Applications, i.e. CM APPL. 21335/2016 & 21336/2016, stand disposed of.

RSA 50/2012, CM APPL. 5161/2012 & CM APPL. 35056/2023

13. List for arguments on 25.08.2026 on 'Top of the Board'.

NEENA BANSAL KRISHNA, J.

JULY 17, 2026/R