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

+ RFA 575/2014

UNION OF INDIA

..... Appellant

Through: Mr. Siddharth Panda, Adv.

versus

KALKA PRASAD AGGARWAL & ORS

..... Respondents

Through: Mr. Aditya Raina, proxy counsel for
Mr. Siddharth Bambha, Adv. for R-1.

Mr. Anand Yadav and Mr. Y.R.

Sharma, Adv. for R-3.

Mr. Mukesh Tiwari, Adv. for Mr.

Ruchir Mishra, Adv. for R-7/UOI.

CORAM:

MS. ANJU CHHABRA KHURANA, REGISTRAR (APPELLATE)

ORDER

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12.10.2015

**CM APPLs. 18817/2014 (for condonation of delay of 153 days in filing)
and 18819/2014 (for condonation of delay of 290 days in re-filing)**

Vakalatnama on behalf of respondent no. 1 has not been filed.

Notice could not be issued to respondent no. 2 as the process fee was filed late. Counsel for respondent no. 3 states that the appeal has been abated considering the fact that respondent no. 4/Sh. Anil Prasad Aggarwal had expired on 14.09.2014 before filing this appeal and, therefore, notice is not required to be served upon respondent no. 2 also.

Mr. Siddharth Panda, counsel for the appellant stated that so far as the death of respondent no. 4/Sh. Anil Prasad Aggarwal is concerned, he came to know about his death only on 24.07.2015 at the time of delivery of *dasti* notice.

Counsel appearing for respondent no. 3 strongly objects to the above statement of counsel for appellant and requests that at the first instance the matter be listed before Hon'ble Court qua abatement of appeal.

In view of the above contrary statements of counsel for the parties and also at the request of counsel for respondent no. 3, list the matter before Hon'ble Court for appropriate directions on 16.11.2015.

REGISTRAR

OCTOBER 12, 2015/cl