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

+ RFA 324/2017 & CM APPL. 8421/2024, CM APPL. 8422/2024
CM APPL. 8423/2024

VIJAY KUMAR SHARMA

.....Appellant

Through: Mr. Narendra Singh Yadav, Adv.
alongwith Mr. Abhishek Yadav and
Mr. Mayank Singh, Adv.

versus

TARANJIT KAUR

.....Respondent

Through: Mr. Pradeep K. Bakshi, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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07.08.2024

1. Before the matter would be taken up for further consideration with respect to the CM APPL. 8421/2024, the Court finds it necessary to direct the Registry to clarify as to whether any application came to be filed by the appellant on 11.10.2021. Such a clarification is required keeping in mind the argument made by the learned counsel for the appellant that on 11.10.2021, an application under Order 22 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 was filed on behalf of the applicant for substitution of legal representative of the appellant accompanied with affidavit.

2. A copy of the said application has been placed on record as *Annexure A-2* in CM APPL. 8421/2024. According to learned counsel, since the said application was filed without a further application for setting aside the



abatement, therefore, the same was not listed before the Court. According to him, the said application remains pending with the Registry.

2. The contention made by the appellant is however opposed by the learned counsel for the respondent. He submits that has there been any application on 11.10.2021, there was no requirement of placing on record the affidavit which appears to have been shown in the year 2023 and according to him, the original application itself has been filed in year 2023. All those aspects will be considered once the Registry clarifies the facts regarding filing of the application on 11.10.2021.

3. List on 12.09.2024.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 7, 2024/DA