



Seema Sahai versus Daljit Singh Sahi & Others

LPA No.163 of 2015

[Item No.S-4]

29.05.2025 Present: Appellant is present in person.

Mr. K.D. Sood, Senior Advocate with Mr. Rahul Gathania and Mr. Vivek Thakur, Advocates, for respondent No.1.

Mr. Sanjeev Kuthiala, Senior Advocate, with Ms. Sana Rana, Advocate, for respondents No.2 & 3.

Ms. Sabina Puri, one of the legal representatives of defendant No.1 [Col. Suresh Chander Dogra] is present by way of video conferencing based in United States of America.

2. During the course of hearing, it is brought to our notice by appellant that application under Order 22 Rule 4 of the Code of Civil Procedure was filed to bring on record legal representatives of defendant No.1 by way of OMP No.80 of 2007, was filed by respondent No.1-plaintiff in Civil Suit No.38 of 2004, titled as M/S Sirtaj Constructions Ltd. versus Col. Suresh Chander Dogra (Retd.) & Another. The appellant herein was wrongly described as Sukanaya Sahi, in the application at that relevant time, whereas she is Seema Sahai while showing her as resident of 348, Sector 49 Noida, U.P. The said



application came up on 27th April, 2007 and one Mr. Mohinder Gautam, Advocate, had put in appearance on behalf of proposed legal representatives, named in Para 3 of the application and gave no objection to the allowing of the application for substitution of the legal representatives. Amended memo of parties was to be filed and necessary corrections were accordingly to be made.

3. As per record, the Memorandum of Appearance of the said counsel on behalf of legal representatives of defendant No.1 is on record [at Page 254] of the Civil Suit. The Power of Attorney in favour of said counsel apparently was only signed by Sudesh Dogra [defendant No.2] mother of the present appellant.

4. On 22.06.2007, on the basis of a compromise, the matter was disposed of as per terms of the compromise, which pertains to various other litigations also including the suit, which is pending in the High Court of Delhi. It is, thus, submitted that the Civil Suit, as such, was disposed of without putting the appellant herein to notice and thus,



adversely affected her rights and Mr. Mohinder Gautam, Advocate had no authority, as such, to appear and he has not been marked as counsel also in the said order for the present appellant. The said issue goes to the root of the controversy.

5. List on **30.06.2025**.

(G.S. Sandhwalia)
Chief Justice

(Ranjan Sharma)
Judge

May 29, 2025
(Shivender/Himani)