

Om Piari vs. Meer Chand and others

RSA No.323 of 2018

28.11.2025 Present: None for the appellant.

Ms. Shivani Sharma, Advocate, vice Mr. Vikas Rajput,
Advocate for the respondents.

An interim order dated 27.07.2018, had been passed in the Regular Second Appeal. The said order was made absolute vide order dated 21.08.2019. For violation of the interim order in the case at hand a CMP(M) bearing No. 1374 of 2024 under Order 39 Rule 2(A) read with Section 151 of the CPC was filed. In the aforesaid CMP(M) vide order dated 07.10.2025, a Court notice had been issued to the appellant. As per the service report, the appellant in the case at hand (applicant in CMP(M) No.1374 of 2024) is stated to have died three years ago.

Abatement is automatic in terms of the provisions of Order 22 CPC. Right to set aside abatement in terms of Order 22 Rule 9 sub-Rule 2 thereof lies with the Legal Representatives of the appellant in case at hand. Since no application has been filed till date, therefore, the appeal is dismissed as having abated.

(Bipin C. Negi)
Judge

November 28th, 2025
(Ritu)