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

+ **FAO(OS) 22/2020**

NARENDER JAIN & ANR

.... Appellant

Through: Mr Rahul Malhotra with Ms Anchal
Tiwari and Ms Tripti Kapoor, Advs.

versus

ANIS AHMED RUSHDIE (DECEASED)

THR LRS & ORS

..... Respondents

Through: Mr Manashwy Jha, Adv. for applicant
R-1(a) in CM Appl.43873/20220.
Mr B.B. Gupta, Sr. Adv. with Mr
Sanjay Sharma Darmora, Adv. for R-
1.
Mr Abhishek Aggarwal, Adv. with
Mr Virender Kumar Jain, Adv. for R-
3.
Mr Sahil Gupta, Adv. for respondent
no.2 and 4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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11.10.2022

[Physical Hearing/Hybrid Hearing (as per request)]

CM Appl.43873/2022

1. Mr Manashwy Jha, Advocate, has filed this application on behalf of the power of attorney holder of one Ms Sameen Momen Rushdie/respondent no.1(a).

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2. In paragraph 3 of the above-captioned application, there is an assertion that Ms Sameen Momen Rushdie/respondent no. 1 (a) has passed and that she is survived by two daughters i.e. Ms Mishika Momen and Ms Maya Momen.

3. The application is accompanied by an affidavit of one, Mr Rajender Prasad Jain, who claims to be the director of a company going by the name Fine Properties Private Limited.

3.1. We may note that Mr Rajender Prasad Jain is present in Court.

4. We have on record (in the compilation folder) a document, which purports to be a General Power of Attorney, said to have been executed on 04.11.2010, by and between the late Ms Sameen Momen Rushdie, through her duly nominated, constituted and appointed attorney, Mr Vijay S.T. Shankar Dass. It appears that Mr Dass had been appointed as attorney on 17.12.1996.

4.1 The document has been executed by Mr Vijay S.T. Shankar Dass and M/s Fine Properties Private Limited, through its Director, Mr Rajender Prasad Jain, Mr Ajay Gupta and Mr Abhishek Gupta.

4.2 We may also note that the foot of the document bears the date 15.11.2010 and the stamp paper on which the document has been transcribed appears to have been bought on 31.10.2010.

5. The instant application is not accompanied by the death certificate of Ms Sameen Momen Rushdie.

5.1. Mr Jha will place a certified copy of the death certificate on record.

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6. Strangely, Mr Sanjay Sharma Darmora, who up until now had been appearing on behalf of respondent no.1, says that he has no information with regard to the death of Ms Sameen Momen Rushdie.

7. List the above-captioned application on 31.01.2023.

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8. A perusal of the office note generated by the Registry shows that on 06.10.2021, a coordinate bench of this court directed the matter to be listed on 21.02.2022.

9. Although the matter was listed on 21.02.2022, due to a typographical error, the order passed on the said date wrongly recorded the date of the order as 06.10.2021.

10. The matter *via* the said order was directed to be listed on 11.10.2022, which is how the matter has come to be listed before us today.

11. The date mentioned in the order concerning proceedings held on 21.02.2022, which is wrongly dated 06.10.2021 shall stand corrected. The order shall reflect the corrected date i.e., 21.02.2022.

11.1. The Registry will take down the earlier order and upload the correct order along with the order passed today.

12. List the matter on 31.01.2023.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

OCTOBER 11, 2022/pmc

Click here to check corrigendum, if any

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