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

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

NARENDER JAIN & ANR Appellants
Through: Mr Rahul Malhotra, Advocate.
versus

ANIS AHMED RUSHDIE (DECEASED)
THR LRS & ORS Respondents
Through: Mr Sanjay Sharma, Advocate
for R-1(a).
Mr Manashwy Jha, Advocate
along with Mr R.P. Jain,
applicant in person in CM No.
73873/2022.

AND

+ **FAO(OS) 28/2020**

RAVINDER JAIN & ANR Appellants
Through: Mr Sahil Gupta, Advocate.
versus

ANIS AHMED RUSHDIE (DECEASED)
THR LRS & ORS Respondents
Through: Mr Sanjay Sharma, Advocate
for R-1(a).

AND

+ **FAO(OS) 39/2020**

SH. BHIKU RAM JAIN, DECEASED THROUGH
LR, MR. VIRENDER KUMAR JAIN Appellant
Through:
versus

SH. ANIS AHMED RUSHDIE THROUGH LRS
AND OTHERS Respondents
Through: Mr Sanjay Sharma, Advocate
for R-1(a).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **31.01.2023**

CM No. 43873/2022

1. This is an application filed by one Rajinder Prasad Jain, son of



late Sh. Nem Chand Jain claiming to represent Respondent nos.1(a). This application is styled as “APPLICATION ON BEHALF OF THE RESPONDENT NO.1(A) UNDER SECTION 151 CPC FOR DIRECTIONS”. According to Mr. Rajinder Prasad Jain, who is present in Court, Respondent no.1(a) has expired and therefore, her legal heirs are required to be brought on record.

2. This application was listed on 11.10.2022 and on that date, the Court had noted that the application is not accompanied by death certificate of respondent no.1(a), Ms. Sameen Momen Rushdie. The learned counsel appearing for the applicant was directed to place the same on record. This Court had also noted that Mr. Sanjay Sharma Darmora, learned counsel who had been appearing on behalf of respondent no.1 had contested the aforesaid assertion. He submitted that Ms. Sameen Momen Rushdie had not expired.

3. The applicant has not placed on record the death certificate of respondent no.1(a), but seeks further time to do so. It is seen that the order was passed on 11.10.2022, hence, sufficient time has already been granted to the applicant for the said purpose. Mr. Darmora, learned counsel appearing for respondent no.1 submits that respondent no.1(a) has not expired and his *vakalatnama* for respondent no.1(a) is on record.

4. In view of the above, this Court finds no merit in the present application.

5. Clearly, Mr. Jain had no *locus standi* to move any application as he claims the same, as a power of attorney holder of respondent no.1(a), who according to him has expired.



6. In any event it is incumbent on the appellant to bring on record the legal heirs of a respondent in the event of her/his demise.
7. In view of the above, the application is dismissed.

FAO(OS) 22/2020 and CM No. 1647/2021
FAO(OS) 28/2020
FAO(OS) 39/2020

8. The learned counsel appearing for the appellant requests for an adjournment, he states that the senior counsel, who is to appear in the matter, is unavailable.
9. At his request, the hearing of the present appeals is adjourned.
10. List on 12.04.2023.
11. It is clarified that no further adjournments would be granted.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

JANUARY 31, 2023
RK