

\$~10

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

+ **RFA 22/2015 & CMs No.27266 & 27270/2016**

SHANTESHWAR PAL Appellant
Through: Mr.Pradeep Aggarwal, Advocate

versus

VISHWANATH SANYAS ASHRAM TRUST & ORS. Respondents
Through:Mr.Sonal Sinha and
Ms.Tanvi Sapra, Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
18.10.2016

1. Learned counsel for the respondents states that the appellant had expired on 01.11.2015 which fact was duly brought to the notice of the court and recorded in the order dated 14.3.2016, but no steps have been taken till date by learned counsel for the appellant to bring on record his legal heirs. He clarifies that it is not as if the legal heirs of the deceased appellant are unaware of the pendency of the present appeal inasmuch as they have been appearing in a probate petition filed by the respondent No.1 in respect of the will dated 10.6.2013, executed by late Smt. Shanti Devi Thakur, wherein they have filed objections.

2. Learned counsel for the appellant states that despite best efforts made by him to contact the legal heirs of the deceased appellant, he has not received any instructions from them and therefore could not take any further

steps in the matter.

3. In these circumstances, the court has no option but to dismiss the appeal as having abated. Accordingly, the appeal is dismissed along with the pending applications.

4. The lower court record, if summoned, may be released forthwith.

HIMA KOHLI, J

OCTOBER 18, 2016

mk

