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

+ RFA 867/2015

DR NAIPAL SINGH

..... Appellant

Through: Appellant in person.

versus

O P KHAIM

..... Respondent

Through: Mr. Sunil Dalal, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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27.02.2017

R.P. No. 172/2016 and C.M. NO. 12635/2016, C.M. NO. 21418/2016 and 25425/2016

1. Learned counsel for the appellant states that the sole respondent in the present appeal (defendant in the trial court) has expired a month ago and consequently nothing further survives in the review application in view of the bar placed under Section 306 of Indian Succession Act, 1925 which disentitles the appellant to prosecute the legal heirs of the deceased respondent/defendant in a suit for defamation instituted by him.
2. Pertinently, the appeal preferred by the appellant/plaintiff was dismissed vide judgment 21.12.2015 and he has filed the present application for seeking review of the said order.
3. Learned counsel for the respondent states that in view of the legal position, nothing further survives in the review application filed by the appellant against the order dated 21.12.2015 dismissing the appeal.

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4. The appellant who appears in person concedes that in view of the bar placed by Section 306 of the Indian Succession Act, 1925, the review petition does not survive.

5. Accordingly, the review application is disposed of along with pending applications.

HIMA KOHLI, J

FEBRUARY 27, 2017

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