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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 84/2016

OM PRAKASH

..... Petitioner

Through Mr.Rishi Kant Singh,Advocate.

versus

KRISHAN PAL SINGH CHAUHAN & ANR

..... Respondents

Through Nemo

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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25.01.2016

C.M.No.2771-72/2015 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 84/2016 & C.M. No.2769/2016 and C.M. No.2770/2016

The order impugned before this Court is the order dated 16.11.2015 vide which the application filed by the petitioner seeking impleadment under Order I Rule 10 CPC had been dismissed.

Learned counsel for the petitioner submits that initially an application had been filed by his father (since deceased) in October, 2014 under Order I Rule 10 CPC seeking impleadment but due to non-prosecution this application was dismissed on 05.11.2014. the petitioner before this Court did not file an application seeking restoration of that application which had been preferred by his deceased father; instead he had moved an application seeking impleadment under Order 1 Rule 10

CPC. The impugned order is largely premised on the fact that the petitioner should have got the earlier application filed by his father restored which had been dismissed for non-prosecution and default.

At this stage, learned counsel for the petitioner does not press this petition. Liberty is granted to the petitioner to approach the Trial Court to move an appropriate application seeking restoration of the application which had been filed by his deceased father under Order I Rule 10 CPC. The Trial Court shall pass an order uninfluenced by this order and subject to provisions of law.

Petition disposed of.

INDERMEET KAUR, J

JANUARY 25, 2016

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