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

+ CM(M) 863/2017

AMEET KUMAR & ORS

..... Petitioners

Through: Mr. Narender Mohan with Ms. Prachi
Gupta, Gopal Dutt & Mr. Sanjeev
Sharma, Advs.

Versus

STATE & ORS

..... Respondents

Through: Dr. L.C. Singhi, Adv. for R-1-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

07.09.2017

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1. This order is in continuation of the earlier order dated 11th August, 2017.
2. Only the counsel for Union of India/Commandant-in-Charge, Garhwal Rifles Regiment appears and none appears for the maternal family of the minor.
3. The counsel for the petitioners, on enquiry, states that a message was given to Mr. Uttam Dutt, Advocate for the maternal uncle and aunt of the minor.
4. However no affidavit to the said effect has been filed.
5. The counsel for Commandant-in-Charge, Garhwal Rifles Regiment has placed before this Court a list of the various schemes for the benefit of next of kin and the copy of the letter dated 8th October, 2016 of the
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petitioner No.3 Gopi Nath Gupta to the Commandant, Garhwal Rifles Regiment Centre intimating that a Trust for the benefit of the minor was intended to be set up. The said documents are taken on record.

6. The conduct of the petitioners, of not bringing the maternal family of the minor and/or their advocate before this Court inspite of direction contained in the order dated 11th August, 2017 raises suspicion about the intent of the petitioners. However, all that can be directed at this stage is that the Additional District Judge-02, South-West District, Dwarka Courts, Delhi before whom the proceedings from which this petition arises is pending, should bestow proper attention to the interest of the minor before putting any properties of the minor in the hands of the petitioners.

7. The counsel for the petitioners states that he is not opposing the impleadment of Garhwal Rifles Regiment but his only contention is that there is no clarity as to who is impleaded. It is contended that it is Garhwal Rifles Regiment and Scouts which have been impleaded.

8. This Court cannot go into which is the proper unit of Garhwal Rifles Regiment which is to represent in the Court; suffice it is to observe that it is presumed that Garhwal Rifles Regiment would be represented before the Court through the appropriate unit.

9. With the aforesaid directions to the learned Additional District Judge before whom the proceedings are pending, the petition is disposed of.

10. A copy of this order be forwarded forthwith to the Court of Additional District Judge-02, South-West District, Dwarka Courts, New Delhi and the counsel for the petitioners and the counsel for Garhwal Rifles Regiment to

also on the next date of hearing before the Additional District Judge, place a copy of this order on record of the learned Additional District Judge.

Copy of this order be given *dasti*.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 07, 2017

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