

\$~72

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 241/2015 and CM APPL.8803/2015 (stay), CM
APPL.25208/2017 (O.22 R.4 CPC)

SHRI HIRA LAL GUPTA Petitioner
Through: Ms. Anuradha Kaushik, Advocate

versus

SHRI SUNIL KUMAR SHARMA & ORS Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **02.04.2018**

File is taken up today as 26.03.2018 was declared holiday followed by Court holidays till yesterday.

The main petition challenges order dated 27.03.2015 passed by the learned additional rent controller (ARC) on the file of eviction case (E. No.279/2013) against the respondents whereby an application for leave to contest of the said respondents was allowed and they were directed to file written statement, the proceedings initiated by the petitioner being for an order of eviction on the ground of *bona fide* ground under Section 14(1)(e) of the Delhi Rent Control Act, 1958 to which special procedure as envisaged in Section 25-B of the Delhi Rent Control Act, 1958 applies.

The second respondent is stated to have died and consequently an application (CM APPL.31931/2015) was filed seeking to substitute him by his legal representatives under Order XXII Rule 4 of the Code of Civil

Procedure, 1908 (CPC). Notices were directed to be issued on the said application by order dated 22.12.2015. In the meanwhile, first and third to

fifth respondents appeared through counsel on 14.01.2016. An application under Order XXII Rule 4 CPC *qua* the deceased (second respondent) was allowed as per order dated 23.05.2016.

Subsequently, the third respondent died on 02.06.2017 and another application (CM APPL.25208/2017) came to be submitted on which notices were directed to be issued including to the proposed legal representatives of the deceased respondent.

Steps have not been taken in that regard nor any explanation offered for the default. In these circumstances, proceedings at hand against third respondent (since deceased) have abated. Consequently, the petition at hand is rendered defective on account of non-joinder. It is dismissed accordingly.

Pending applications also stand disposed of.

R.K.GAUBA, J.

APRIL 02, 2018

vk