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

Date of Decision: 03rd October, 2018

+ **FAO(OS) 150/2018 & CM APPLs. 41034-37/2018**

RANJAN KUMAR CHADHA

..... Appellant

Through: Mr. P.K. Srivastava with Mr. T. Mitra, Adv. along with appellant-in-person.

versus

GOPINATH MENON & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

RAJENDRA MENON, CHIEF JUSTICE (Oral)

CM No.41036/2018 (exemption)

Allowed, subject to just exceptions.

CM No.41035/2018 (delay in filing)

In view of the reasoning stated in the application, delay in filing the appeal is condoned.

The application stands disposed of.

CM No.41037/2018 (delay in re-filing)

In view of the reasoning stated in the application, delay in re-filing the

appeal is condoned.

The application stands disposed of.

FAO(OS) No.150/2018

1. In this appeal filed by the appellant under Order XLIII Rule 1 of the Code of Civil Procedure, 1908 read with Section 10 of Delhi High Court Rules, 1967, challenge is made to the impugned order dated 13.07.2018 passed by the learned Single Judge in CS(OS) 6/2016 whereby an application for impleading the appellant has been rejected.

2. It is found by the learned writ court that the applicant is not related to the deceased nor was a party to the suit claiming any right on the basis of succession. The suit in question was a partition suit between the family members and legal heirs of the deceased Mr. Ravi Menon and as the appellant was making his claim independent of his right under the succession and as in a partition suit he could not be impleaded, the learned Single Bench dismissed his application.

3. In our considered view, no error has been committed in doing so warranting consideration. The appeal is therefore dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 03, 2018

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