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

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+ **FAO(OS) 61/2019**

M.K. CHAUDHRI

..... Appellant

Through: Mr Nishit Kush, Ms Mercy Hussain
and Ms Asma Mubeen, Advocates.

versus

**THE INDIAN INSTITUTE OF PLANNING AND
MANAGEMENT & ORS**

..... Respondents

Through: Mr Amit Gupta, Ms Mansi Kukreja,
Ms Vidhi Goel and Mr Ojas Goel,
Advocates for R-2 to R-5.
Ms Priyadarshi Banerjee and Mr
Saransh Jain, Advocates for R-7.

**CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH**

**ORDER
07.11.2019**

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1. This appeal is directed against an order dated 19th February, 2019, passed by the learned Single Judge, dismissing IA No.1668/2019, which was an application filed by the present Appellant under Order I Rule 10 of the Civil Procedure Code ('CPC'), seeking impleadment as co-Plaintiff in CS(OS) No.3354/2015.

2. The said suit was filed by the Indian Institute of Planning and Management, for declaration and damages for defamation and as well as mandatory and permanent injunction. Given the nature of the suit, and the fact that the Applicant/Appellant was seeking impleadment as co-Plaintiff,

clearly the relief sought was personal to the present Appellant.

3. Admittedly, the Appellant has expired in August, 2019. As the relief sought is personal to the Plaintiff/Appellant, the question of his being substituted by his legal representatives in order to get impleaded as co-Plaintiffs in the defamation suit, therefore, does not arise,. Even if the Appellant during his lifetime had got himself impleaded as a co-Plaintiff, with his death, the suit as far as he is concerned, would have abated. The law in this regard is clear in terms of the judgments of the Supreme Court in *Melepurath Sankunni Ezhuthassan v. Thekittil Gopalankutty Nair (1986) 1 SCC 118* and *M. Veerappa v. Evelyn Sequeira (1988) 1 SCC 556*.

4. In that view of the matter, this appeal does not survive and is disposed of as such.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 07, 2019

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