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

+ TEST.CAS. 50/2007 & I.A. 8598/2017 & I.A. 14860/2017

SATISH CHANDRA BINDRA

..... Petitioner

Through: None.

versus

STATE

..... Respondent

Through: Mr Arvind Kumar Gupta and Mr
Rishi Bhardwaj, Advocates for
objector.

Mr Anand Varma and Mr Apoorva
Pandey, Advocates for AIIMS.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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02.07.2024

1. A perusal of the order sheets reveal that none had appeared on behalf of the petitioner on 18.04.2023, 27.09.2023 & 18.03.2024.
2. Mr Arvind Kumar Gupta, learned counsel appearing for the objector in IA No.8598/2017 submits that there are three petitioners in the present case. He invites the attention of the Court to the order dated 01.06.2016, to contend that in the said order it has been recorded that the petitioner no.2, Bimla Kohli expired on 08.06.2015. The order also records the statement of the learned counsel for the petitioner that the petitioner no.1 does not wish to contest the case.
3. He also refers to the order dated 06.07.2017 wherein it has been recorded that the petitioner no.3, Kamlesh Chopra has also expired on 11.05.2017. He submits that the legal heirs of the petitioner no.3 had filed an application seeking substitution of legal representative of the petitioner



no.3 *vide* IA No.14859/2017 along with IA No.14860/2017 (condonation of delay), but insofar as petitioner no.2 is concerned, no steps have been taken for substitution of her LRs.

4. The order dated 27.01.2023 passed by the learned Joint Registrar also records that no steps have been taken *qua* service of LR Smt. Anupama Jhamb (D/o Late Kamlesh Chopra) nor amended memo of parties nor evidence by way of affidavit of Mr Arun Chopra have been filed by the petitioner.

5. Again, in order dated 21.03.2023, it has been recorded by the learned Joint Registrar that the legal heirs of the petitioner are not taking requisite steps for the further progress of the matter despite repeated opportunities. Accordingly, the matter was placed before this Court.

6. In view of the above, the petition stands abated as against the petitioner nos.2 and 3.

7. Insofar as the petitioner no.1 is concerned, learned counsel for the petitioner has already expressed that the said petitioner does not wish to prosecute the present matter. A perusal of order dated 15.07.2022 also reveals that the court notice was issued to the petitioner no.1, however, despite the said court notice none had appeared on behalf of the petitioner no.1. Therefore, the present petition on behalf of the petitioner no.1 is dismissed for non-prosecution.

VIKAS MAHAJAN, J

JULY 2, 2024
MK