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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2148/2024 & CM APPL. 16729/2024 & CM APPL. 37968/2024**

NARENDER NATH BRAHMI

.....Petitioner

Through: Mr. Kanwar Pal Tomar on behalf of
petitioner

versus

MAMTA AND ORS

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **31.07.2025**

1. One Mr. Kanwar Pal Tomar appears on behalf of petitioner and submits that he is his acquaintance.
2. Fact remains that there was no appearance from the side of petitioner on the last date. It was apprised by the respondent that the present petition has become infructuous as suit filed by the petitioner herein has already abated.
3. Mr. Kanwar Pal Tomar is not aware about the aforesaid development.
4. Be that as it may, present petition has been filed by the deceased plaintiff whereby he challenges one order dated 19.02.2024 whereby the application of the plaintiff/petitioner Mr. Narender Nath Brahmi moved under Order XVIII Rule 17 CPC has been dismissed.
5. Since, the suit in question is longer alive and has already been abated, there would not be any purpose of continuing with the present petition.

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Therefore, the present petition is accordingly disposed of.

6. However, if the abatement is set aside by the learned Trial Court and the suit is revived, liberty would always be there for seeking revival of the present petition.

MANOJ JAIN, J

JULY 31, 2025/dr/shs