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

+ RFA 962/2019 & CM APPL. 48668/2019

EMIT MALHOTRA

.....Appellant

Through: None.

versus

RAJA KISHORE DASH

.....Respondent

Through: Mr. Rohan Bhambri, Advocate
(through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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18.07.2025

1. None appears for the appellant when the matter is called out.
2. Learned counsel appearing for the respondent draws the attention of this Court to the order dated 30th November, 2022, wherein, it is noted as follows:

"1. It is informed by the learned counsel for the respondent that the sole respondent had expired on 03.04.2022.

2. There is no appearance on behalf of appellant. Adverse orders are deferred.

3. List on 22.05.2023.

4. In the meanwhile, the appellant is directed to take appropriate steps to implead the LRs of the sole respondent."

(Emphasis Supplied)

3. This Court notes that subsequently, in the order dated 7th November, 2023 also, it is recorded as follows:

"It is stated by the appellant that the respondent has expired and he shall take steps to implead LRs of the deceased respondent on



record.

At his request, list on 06.02.2024.”

(Emphasis Supplied)

4. The order dated 6th February, 2024 also records that the appellant had sought time to take instructions and to take steps to bring on record the legal representatives of the deceased respondent. The order dated 6th February, 2024, reads as under:

“1. Learned counsel for the respondent submits that the appellant has not taken steps to bring on record the legal representatives of deceased respondent. Learned counsel for the appellant seeks some time to take instructions and take the requisite steps in this regard.

2. List on 13.08.2024.”

(Emphasis Supplied)

5. Similarly, in order dated 13th August, 2024, it has been recorded as under:

“1. The appellant appears to have filed the application for bringing on record the LRs of deceased respondent. Let the same be listed after defects are cured.

2. Let the matter be called out on 24.09.2024.”

(Emphasis Supplied)

6. Learned counsel appearing for the respondent submits that despite the lapse of a long time, there is no such application before this Court.

7. Accordingly, considering the aforesaid, it is clear that the appellant is not interested in prosecuting the present appeal.

8. Accordingly, the present appeal, along with the pending application, is dismissed for non-prosecution.

MINI PUSHKARNA, J

JULY 18, 2025/ak