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

+ RFA 348/2011

SURINDER NATH

.....Appellant

Through: Mr. Madan Lal Sharma, Mr. Amit Kumar, Mr. Vikrant Malwal, Mr. Mukesh Kumar Yadav and Mr. Amit Garg, Advocates

versus

CONTINENTAL CONSTRUCTIONS LTD

.....Respondent

Through: Mr. S.Azad and Mohd. Shoaib, Advocates

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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21.02.2025

Mr. Madan Lal Sharma, learned counsel for the appellant submits that as per his knowledge, the appellant Surinder Nath has died long back and his legal heirs have not come forward.

Order XXII Rule 3(2) read with Order XXII Rule 11 CPC makes it clear that if upon the death of the plaintiff/appellant, an application is not made within the time limit i.e. 90 days from the death, the suit/appeal shall stand abated so far as, the deceased plaintiff/appellant is concerned.

In view of the submission of the learned counsel who has been appearing for the deceased appellant that the appellant has died and no application has been moved, the appeal stands abated.

DINESH KUMAR SHARMA, J

FEBRUARY 21, 2025

N/SMG