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

+ RFA 119/2025

SH. BRIJPAL MANOCHA

.....Appellant

Through: Mr. Sudhir Gupta and Ms. Sonali  
Arora, Advocates

versus

BALA DEVI & ORS.

.....Respondents

Through: Mr. MSI Israili and Mr. Raghiv Ali  
Khan, Advocates

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **17.02.2026**

1. Regular First Appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) has been filed to challenge the Order dated 23.10.2024 *vide* which the Suit of the Plaintiff/Appellant for Declaration, Possessions and Injunction, has been rejected.

2. It is submitted by both the parties that Defendant of which the present Respondents are legal heirs, died on 11.09.2024. The arguments in the Suit before the learned Trial Court were address on 18.09.2024 on which date, the Defendant was already died.

3. It is submitted that the impugned Order dated 23.10.2024 is, therefore a nullity and the present Appeal is liable to be allowed and the Suit remanded back to the learned Trial Court.

**Submissions heard and record perused.**

4. From the date as given by the parties, it is evident that the impugned Order dated 23.10.2024 was made against a dead person. Therefore, the



impugned Order is set aside and the case is remanded back to formally bring the Respondents on record as LR's of Defendant and to consider the Suit including the Application under Order VII Rule 11 CPC after giving an opportunity to the Respondents.

5. The Appeal is accordingly disposed of.

6. It is made clear that there is no finding on the merits of the Appeal and the parties are at liberty to agitate the same before the learned Trial Court.

7. Parties are directed to appear before the learned District Judge on 27.02.2026.

**NEENA BANSAL KRISHNA, J**

**FEBRUARY 17, 2026**

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