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

+ RFA 210/2010

HAJI PEER MOHAMMED

.....Appellant

Through: None.
versus

SALMA KHATOON & ANR

.....Respondents

Through: Mr. S. Sohail, Adv. for R-1 (through
VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
17.03.2026

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1. This hearing has been done through hybrid mode.
2. The present appeal under Section 96 of the CPC seeks the following prayers:-

“It is, therefore, prayed that for the foregoing grounds, the above-mentioned appeal of appellant be accepted and the impugned judgment and decree dated 22.12.2009 passed by Shri Bhupesh Kumar, Additional District Judge-06, West District, Delhi be ordered to be set aside and the suit of the appellant/plaintiff for possession, mesne profits, permanent and mandatory injunction thereby praying for passing a decree for possession directing the respondents/defendants, their children, agents, associates, representatives or any others to hand over the peaceful possession of the suit property bearing house no.A-31, Gali no.1, Jyoti Colony, Loni Road, Shahdara, Delhi along with decree for grant of damages and mesne profits w.e.f. 01.12.2005 till date; further passing the decree for permanent and mandatory injunction in favour of - the appellant/plaintiff and against the' respondents/defendants , their children, agents, associates, representatives, servants etc. thereby restraining them from altering, selling, transferring, disposing, subletting, creating third party interest etc. with the peaceful



possession and occupation of the suit property bearing no.A-31, Gali no.1, Jyoti Colony, Loni Road, Shahdara, Delhi, be allowed in favour of the appellant/plaintiff and against the respondents/defendants.

Any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case be also granted in favour of the appellant.”

3. There was no appearance on behalf of the parties since 25.11.2024, and subsequently, default notice was issued to the parties *vide* order dated 16.04.2025 passed by the learned Predecessor Bench, and report with regard to the same has come back with the following remarks: -

“Default Notice to Appellants through ordinary: Unserved as such person has been died in 2014.”

4. On 28.10.2025, learned counsel for respondent no. 1 had entered appearance on behalf of the latter and had handed up a copy of the Death Certificate of the appellant, as per which the appellant had expired on 16.11.2014, and the same was taken on record. It was further submitted by the learned counsel for respondent no. 1 that in view of the same, the present appeal has been abated.

5. It is pertinent to note that no application has been filed for bringing on record the legal heirs of the deceased appellant. The period of 90 days for bringing on record the legal heirs has expired, as also the period for setting aside the abatement, which is 60 days thereafter.

6. In view of the above, the present appeal stands abated and disposed of accordingly.



7. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

MARCH 17, 2026/nk/db