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

+ RFA 392/2011

SUKHBIR SINGH

.....Appellant

Through: None.

versus

VIJAY KUMAR & SONS (HUF)

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

30.04.2026

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1. This hearing has been done through hybrid mode.

2. The present appeal under Section 96 of the CPC read with Order XLI

seeks the following prayers: -

“1. set aside the judgment and decree passed by the Ld. District Judge-VIII, Rohini Courts, Delhi on 18.04.2011 in civil suit No. 432/2010/2009 titled as "M.s Vijay Kumar Kaila & sons (HUF) Vs. Sukhvir Singh."

2. Dismiss the civil suit No. 432/2010/2009 titled as "M.s Vijay Kumar Kaila & sons (HUF) Vs. Sukhvir Singh."

3. Pass any other order in favour of the appellants and against the Respondents.”

3. None appears on behalf of the appellant today.

4. Thereafter, there was no appearance on behalf of the appellant on previous dates of hearing on 06.12.2024, 25.02.2025, 18.08.2025 & 12.01.2026.

5. Report with regard to the notice issued to the appellant *vide* order dated



12.01.2026 shows “unserved as such person has died on 28.07.2022.”

6. 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.

7. The present appeal stands abated and disposed of.

8. Pending applications, if any, also stand disposed of accordingly.

9. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 30, 2026/kr/ah