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

+ **RFA 307/2009 & CM APPL. 17878/2009**

O.P.CHHIKARA

.....Appellant

Through: None.

versus

RAJ KUAMR GARG

.....Respondent

Through: Mr. R.K. Jain and Mr. Vikas K.
Chadha, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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26.02.2026

1. This hearing has been done through hybrid mode.
2. The present appeal under Section 96 of the Civil Procedure Code, 1908, (for short, 'CPC') seeking the following prayers: -

"It is, therefore most respectfully prayed that this Hon'ble court may kindly be pleased:

1. To allow the appeal and set aside the judgment and decree dated 14.05.2009.
2. To pass a decree for a sum of rs.15,37,364/- alongwith interest in favour of the appellant/ plaintiff and against the respondent/ defendant.
3. To award cost in favour of the appellant and pass any other order in favour of the appellant and this Hon'ble court may deem fit and proper in the facts and circumstances of the case."
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 22.11.2024, 03.12.2024, 10.12.2024, 16.12.2024, 17.12.2024, 15.04.2025, 16.10.2025.

5. Report with regard to the default notice issued to the appellant *vide* order dated 15.04.2025 shows that the process server was informed by appellant's wife that he had passed away on 10.10.2023.

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. Learned counsel for the respondent submits that the latter has also passed away.

8. The present appeal stands abated and disposed of.

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

AMIT SHARMA, J

FEBRUARY 26, 2026/ns