



2025:DHC:6838



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

% ***Date of Decision: 12th August, 2025***

+ CM(M) 465/2023 & CM APPL. 13853-13854/2023
ANIL KUMAR

.....Petitioner

Through: Mr. Ankur Aggarwal, Mr. Lokesh
Yadav, Mr. Ananay Lamba and Mr.
Armaan Khan, Mr. Marshal Girdhar,
Mr. Harshit Bansal and Mr. Aashutosh
Deol, Advocates.

versus

SWATI & ORS.

.....Respondent

Through: Ms. Avni Singh, Panel Counsel for
GNCTD with Mr. Abhishek Yadav,
Advocate.
Mr. Sparsh Chaudhary, Advocate for
R-2.
Mr. Akhil M., Advocate for R-4.
Mr. Mohit Auluck, Advocate for R-5.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. A petition for grant of succession certificate in respect of debts and securities of Mr. Jai Singh (since deceased) was filed under Section 372 of Indian Succession Act.
2. The petition was filed by Ms. Meera Devi, his widow and during the pendency of the abovesaid Succession Petition, her two minor daughters were also impleaded as petitioner Nos. 2 and 3.
3. Unfortunately, during the pendency of the abovesaid petition, Ms.



2025:DHC:6838



Meera Devi died on 04.02.2023, leaving behind her abovesaid two minor daughters as sole surviving Class-I legal heirs.

4. An application was moved from the side of the petitioner Nos. 2 & 3 under Order XXII Rule 2 and 3 CPC read with Section 151 CPC and the learned Trial Court while holding that there was no reason to disbelieve that right to sue did not survive in the favour of stated legal representatives, allowed the application.

5. Fact, however, remains that the opposite parties were not heard on the abovesaid application.

6. Therefore, such order has been challenged by the petitioner-Mr. Anil Kumar who is respondent No.2 before the learned Trial Court.

7. The contention coming from the side of the petitioner herein is two-fold.

8. Firstly, there is violation of principal of natural justice as before deciding the abovesaid application, a due opportunity should have been given to him to make his stand clear with respect to the abovesaid application.

9. Secondly and more importantly, the other two petitioners were minor and a minor could not have maintained the abovesaid Succession Petition, unless and until, it was filed through his next friend or natural guardian. It is submitted that no application to the abovesaid effect was either moved during the pendency of the abovesaid petition.

10. Learned counsel for respondents informs that one of the legal representatives has already turned major.

11. Be that as it may, during course of arguments, learned counsel for respondent Nos. 1 and 2 herein submits that he would have no objection if the matter is remanded and the learned Trial Court is requested to decide the



2025:DHC:6838



abovesaid application afresh, after giving due opportunity of hearing to the opposite party. He also submits that if required, he would also move any fresh application seeking appointment of next friend of the minor.

12. The matter has already got delayed considerably as the abovesaid Succession Petition was filed way back in the year 2012.

13. Be that as it may, in view of the abovesaid, the present petition is disposed of with request to the learned Trial Court to consider the abovesaid application afresh, while also taking note of the fact whether there is any petitioner, who continues to be a minor, and if yes, to give suitable directions accordingly.

14. The present petition stands disposed of in aforesaid terms.

15. Pending applications also stand disposed of.

(MANOJ JAIN)
JUDGE

AUGUST 12, 2025/ss/js