

**5 MACT 144/18**  
**BHOPAL SINGH Vs. VIKAS**

**12.10.2023**

**Present:** Sh. Rahul Lal Akhriya , Ld. Counsel for petitioner.

None for R1.

Sh. Pradeep Kumar Gupta, Ld. Counsel for R2/UPSRTC.

An application under Order 22 Rule 3 CPC is moved on behalf of the petitioner for substituting legal heirs of the petitioner as petitioner is stated to have expired. It is submitted that copy of death certificate shall be filed on the next date alongwith affidavit regarding demise of parents of Bhopal Singh prior to his death and their death certificates shall also be filed. Application is not opposed by Ld. Counsel for R2. Heard & perused.

On this aspect, Hon'ble Supreme Court of India, in its judgment passed in case of "**The Oriental Insurance Company Ltd. Vs. Kahlon @ Jasmail Singh Kahlon,**" Civil Appeal No. 4800/2021 ( arising out of SLP C No. 2873/2021), has referred the judgment of "**Madhube Maheshbai Patel Vs. Joseph Francis Mewan & Ors., 2015 (2) GLH 499,** holding that, "even after the death of the injured/claimant, claim petition does not abate and right to sue survive to his heirs and legal representatives in so far as loss of the estate is concerned, which would include personal expenses incurred on the treatment and other claim related to loss to the estate."

In view of the above, in the interest of justice, application is allowed. Consequently, legal heirs of deceased petitioner i.e. wife, son and two daughters are impleaded as petitioners in this case. Amended memo of parties be filed by the next date.

Petitioners are directed to file death certificate of Bhopal Singh/original petitioner and copy of death certificate of his parents with copy to other side. No reply is filed to pending application of R1 & R2 seeking striking out their names. Application was moved in between the dates of hearing and copy is already given.

Some time sought by petitioner to file reply to application.

Put up for reply and arguments on **16.12.2023**.

Let advance copy of reply be supplied to opposite side.

**(Mayuri Singh)**

**P.O. MACT (East)/Delhi  
12/10/2023**