

17.08.2026

Present : Sh. KL Kaundal, Ld. counsel for plaintiffs and for proposed Lrs. no. deceased plaintiff no. 2, for Lrs of LR no. 2(d), and for Lrs 10(a) to 10(c). (POA Filed)
Sh. KL Kaundal, Ld. counsel for Lrs. of plaintiff no. 4(a) to 4(f) and 10(d). (MOA Filed)
Sh. Pradeep Kumar, Ld. vice counsel for defendant no. 1.
Sh. Desh Deepak Yatri, Ld. ADA for defendant no. 2.

1. This order shall dispose of the pending applications filed under Order XXII Rule 3 and Order XXII Rule 9 of the Code of Civil Procedure read with Section 5 of the Limitation Act for setting aside abatement, condonation of delay, and bringing on record the legal representatives of deceased plaintiffs namely Puran Chand (Plaintiff No. 2), Karam Dass (Plaintiff No. 4), Kamla Devi (Plaintiff No. 10), as well as the legal representatives of deceased proposed legal heir Smt. Reshamu Devi [2(d)].
2. Briefly stated, the applicants/plaintiffs have filed the present applications stating that during the pendency of the suit, Plaintiff No. 2 Puran Chand expired on 05.12.2018, Plaintiff No. 4 Karam Dass expired on 26.08.2020, and Plaintiff No. 10 Kamla Devi expired on 04.08.2023, leaving behind their respective legal heirs as detailed in the applications. It has also been averred that during the pendency of the application to bring on record the legal heirs of Plaintiff No. 2, one of his proposed legal heirs, namely Smt. Reshamu Devi (widow), expired on 11.09.2023, leaving behind Devi Ram, Krishan Lal, and Savitra Devi as her legal heirs. It is submitted that the right to sue survives in favour of the applicants, the delay occurred due to bona fide reasons, and the applications are supported by requisite affidavits and legal heir certificates.
3. The respondents/defendants have filed replies to the applications opposing the prayers made therein. However,

upon perusal of the replies and hearing the learned counsel for the parties, this Court finds that no substantial or material ground has been raised by the respondents that would require this Court to reject the applications.

4. It is settled law that procedural rules are handmaids of justice and substantive rights of the parties ought not to be defeated on mere technicalities. The applications filed by the plaintiffs are innocuous, bona fide, and necessary for the proper and complete adjudication of the controversy between the parties. Sufficient cause has been shown for not filing the applications within the prescribed period of limitation.
5. Accordingly, the delay, if any, in filing the applications is condoned, abatement if any is set aside, and all the applications are hereby allowed. The legal representatives of deceased Plaintiff No. 2 Puran Chand (as survived by his legal heirs), Plaintiff No. 4 Karam Dass, and Plaintiff No. 10 Kamla Devi are ordered to be brought on record as plaintiffs. All Lrs are duly represented by their counsel before this court.
6. **Amended memo of parties be filed on or before the next date of hearing.** The applications stand disposed of accordingly. To come up for filing of amended plaint/memo of parties on the date fixed.
7. At this stage, another application under Order XXII Rule 3, for bringing on record the LRS of deceased defendant No. 3 Darshnu Devi has been moved by the Ld. Counsel for the Plaintiffs. Her proposed LRS are being represented by the Ld. Counsel for the plaintiffs. Certain documents have been filed in support of the application which are also taken on record. Copy supplied. List for reply/consideration on 15-09-2026.

(Karam Pratap Singh)
Civil Judge,
Court no.3, Mandi, H.P