

11.11.2021

Proceedings have been held by way of physical hearing.

Present: Ms. Akshita, counsel for the appellants.

None for R-1 to R-22.

None for R-23 to R-30.

It has come in the order dated 12.08.2021 that appellant no. 1 Mr. Kushal Singh had expired. An application u/o 22 Rule 3 CPC filed on 22.10.2021 by the proposed Lrs of appellant no. 1 Sh. Kushal Singh is already in the file. As per that application, Sh. Kushal Singh expired on 20.04.2021 leaving behind four sons and a branch of pre deceased son namely Pradeep Saini.

No one is responding for the respondents. The contents of the application are corroborated by the death certificate of Sh. Kushal Singh in which it is mentioned that he expired on 20.04.2021. His father's name is mentioned as Sh. Munshi Ram Saini which is the same as mentioned in the memo of parties. His address mentioned in the memo of parties also corresponds to the address mentioned in the death certificate.

Issue before the trial court was for mandatory injunction, joint possession and prohibitory possession regarding the common land of village Khirki. So, the right to sue definitely survives in favour of Lrs. So, the application is allowed and following LRs are impleaded:-

Contd...2/-

- :2: -

- (i). Gaurav Saini : (son)
- (ii). Rajiv Saini : (son)
- (iii). Ashwani Saini : (son)
- (iv). Sandeep Saini : (son)
- (v). Ritu Saini : (wife of pre-deceased son Pradeep Saini).
- (vi). Vishal Saini : (son of pre-deceased son Pradeep Saini)
- (vii). Nishita Saini : (daughter of pre-deceased son Pradeep Saini).

Applications u/o 22 Rule 4 read with section 151 CPC for impleading proposed LRs of following respondents are pending:-

- (i). For impleading LRs of R-5 Chiranjit;
- (ii). For impleading LRs of Smt. Kaushalya, wife of R-5 Chiranjit;
- (iii). For impleading LRs of R-8 (a) Smt. Raj Bala;
- (iv). For impleading LRs of R-11 Smt. Dhanao Devi;
- (v). For impleading LRs of R-3(a) Smt. Bholi Devi.

Issue notice of all above applications to the respective proposed LRs on filing of PF/RC within 15 days from today.

Put up for reply and arguments on all above applications on 25.01.2022. Appellants are required to file the death certificate of the persons for which the applications have been moved.

(Umed Singh Grewal)  
ADJ-02, WEST  
11.11.2021