

Jeet Singh vs. Anil Kumar 240 607 22

26/04/2024.

Present:- Sh. K.S. Rana, Advocate for applicant/ LR.  
Plaintiff expired.  
Sh. Parveen Sharma, Advocate for defendants/  
respondents No. 1, 2 (defendant No. 1 is applicant  
in application u/o 9 Rule 7 CPC).

Reply filed, taken on record. Consideration heard. By way of this application u/o 22 Rule 3 CPC, applicant/ LR has prayed for bringing him on record in place of deceased plaintiff on the grounds that plaintiff Jeet Singh alias Jit Singh has expired on 31/10/2023 and has left behind Jasbir Thakur as his LR and without bringing him on record, present suit cannot proceed further. That application is within time and no prejudice will be caused to opposite party, if application be allowed. Hence, it is prayed that application be allowed.

2. Said application is resisted by taking preliminary objection qua maintainability and estoppel. On merits, it is admitted to the extent that plaintiff has expired, however, it is contended that no copy of mutation of inheritance which was sanctioned in favour of LR and no legal heir certificate has been filed. Rest of averments of application are denied. With this, it is prayed that application be dismissed.

3. Heard. Record perused. A perusal of death certificate annexed with application clearly reveals that plaintiff expired on 31/10/2023 and present application was filed on 23/12/2023 i.e., well within time. Therefore, considering the afore-mentioned facts and circumstances of the case, coupled with the fact that right to sue still survives in favour of LR and against the defendants, present application is allowed and afore-mentioned LR is ordered to be brought on record as plaintiff No. 1(a) in place of deceased plaintiff. Necessary entry of substitution be made accordingly. Application stands accordingly disposed off. Be tagged.

4. Now to come up for filing amended memo of parties/ consideration on pending applications on 28/06/2024.

(Manu Prinja)  
Civil Judge, Barsar,  
District Hamirpur, (H.P.)