

**In the Court of Additional District Judge, Court No.1, Hardoi  
Civil Appeal No. 29/2014**

**Bindra Prasad and others                      Vs                      Jagroop Singh and others**

**Date: 21.03.2024**

Appellant Bindra Prasad and others has moved an application 134A for substitution in memo appeal u/o 22 Rule 4 and u/o 6 Rule 17 supported with affidavit of Ram Pal Singh dated 02.02.2024.

Both Parties are present but written objection has not been filed.

Learned Counsel for appellant Bindra Prasad has stated that respondent no. 8 has expired on 20.12.2023. Respondent no. 9,10,11 and 38 are the children of the deceased. They are also the parties and are on record. So formally only deceased has to be written in front of her name. There is no negative effect on the defence of respondents. Any nature of the case is also not going to change. Amendment is general and formal but it is necessary. The proposed respondents are already on file. There is no other legal representative. They represent the property of the deceased. Hence, the substitution application with consequential amendments in the memo appeal be allowed. Heard both the parties and perused the file. On the basis of above facts I have come to the conclusion that respondent no. 8 is died on 20.12.2023 and substitution application has been filed on 02.02.2024. Hence, it is within time. The proposed respondents are already on file. Any adverse effect is not going to effect the defence. Nature of the claim is not going to be changed. Amendments is only formal. Hence, the application deserves to be allowed.

**Order**

134A application for substitution with amendment is allowed. Consequential amendments be made thus accordingly in 7 days. Fix on 20-04-2024 for further orders.

**(Priti Srivastava-II)**

Addl. District Judge, Court No. 1  
Hardoi.