

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 23 of 2013Gulab Singh Anr. **Versus** Ram Raj Singh And Ors

18/11/2022	Mr. Rishikant Mahobia, counsel for the appellant/s. Mr. Anurag Singh, counsel for respondent No.1. Notice issued to the proposed legal heirs of respondent No.3 i.e. respondent No.3(a) has also been served but no one is appearing. Other legal heirs of respondents No.3 & 4 have also been served but no one is appearing on behalf of them. Heard on application (I.A. No.3/18) under Order 22 Rule 4 of CPC for substitution of legal heirs of respondent No.3 namely Motiram. According to the application, respondent No.3 has died on 02.02.2016. Application for condonation of delay has also been filed i.e. I.A. No.4/18 and application for abatement of the appeal in this regard under Order 22 Rule 9 of CPC has also been filed i.e. I.A. No.5/18. On due consideration and for the reasons mentioned in the application, all the applications are allowed. Delay in filing the application is accordingly condoned. Abatement of the appeal with regard to death of respondent No.3 is also set aside. Necessary amendment may be incorporated within one week. Also heard on application (I.A. No.6/18) under Order 22 Rule 4 of CPC for substitution of legal heirs of respondent No.4 namely Dhanshu.

As contained in the application, respondent No.4 has died on 27.05.2011. Application under Section 5 of the Limitation Act has also been filed i.e. I.A. No.7/18 and application under Order 22 Rule 9 of CPC for setting aside the abatement of the appeal with regard to death of respondent No.4 i.e. I.A. No.8/18 has also been filed.

On due consideration, all the applications are allowed.

Delay in filing the application is accordingly condoned and abatement of appeal with regard to death of respondent No.4 is also set aside.

Necessary amendment may be incorporated within one week.

Considering the fact that the matter is of the year 1996, as prayed by learned counsel for respondent No.1, list the matter for final hearing in the **first week of January, 2023**.

Sd/-

(Arvind Singh Chandel)
Judge