

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 494 of 2017

Ramdev and others **Versus** Kenda and others

30.11.2022	<p>Mr. Rishikant Mahobia, Counsel for the appellant.</p> <p>Mr. Priyanshu Gupta, P.L. for the State.</p> <p>Heard I.A. No. 2 of 2022, application for deletion of name of respondent No. 11 namely Bindiya from Array of the appeal.</p> <p>It is submitted by counsel for the appellant that during the pendency of appeal, respondent No. 11 has expired on 20.06.2021 and her legal heirs i.e. Respondent No. 10 is already on record. An affidavit in the support of the application is also filed.</p> <p>On due consideration, I.A. No. 2 of 2022 is allowed.</p> <p>Necessary amendment be incorporated within a week.</p> <p>Also heard I.A. No. 3, application under Order 22 Rule 3 of CPC for substitution of Legal Representative of appellant No. 24 namely Nepa.</p> <p>It is submitted by counsel for the appellant that appellant No. 24 had expired on 07.02.2021. For condoning the delay of filing this</p>

application, an application under Section 5 of Limitation Act (I.A. No. 5) has also been filed and for setting aside the abatement of the appeal on the account of death of Appellant No. 24, an application under Order 22 Rule 9 (I.A. No. 4) has also been filed.

On due consideration and for the reasons mentioned in the application, they are allowed.

Delay in filing the application is condoned.

Abatement of the appeal is also set aside.

Necessary amendment regarding substitution of legal heirs of Appellant No. 24 may be carried out within a week.

Also heard I.A. No. 6, an application filed under Order 22 Rule 3 of CPC for substitution of Legal Representatives of deceased Appellant No. 27 namely Sariyan.

Counsel for the appellant submits that appellant No. 27 has expired on 30.01.2020 and for condoning the delay of filing this application, an application under Section 5 of Limitation Act (I.A. No. 8) has been filed and for setting aside abatement on the account of death of appellant No. 27, I.A. No.7, an application under Order 22 Rule 9 has been filed.

On due consideration and for the reasons mentioned in the application, the same are allowed.

Delay in filing the application is also condoned.

Abatement of the appeal is also set aside.

Let necessary amendment regarding substitution of Legal heirs of Appellant No. 27 be carried out within 7 days.

Also heard I.A. No. 9, an application under Order 22 Rule 4 of CPC for substitution of Legal Representatives of Respondent No. 3.

Issue notice to the proposed Legal Representatives of deceased/respondent No. 3.

PF within a week.

List this case after four weeks.

Sd/-

**(Arvind Singh Chandel)
Judge**