

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 520 of 2019R L Choudhari **Versus** Gayatri Agrawal

18/07/2022	<p>Mr. Manoj Paranjpe, counsel for the appellant/s.</p> <p>Mr. Vedant Shadangi, Advocate appears on behalf of Mr. Waquar Naiyer, counsel for respondent No.3 on caveat.</p> <p>Mr. Ravipal Maheshwari, P.L. for the State.</p> <p>Heard on application (I.A. No.3/2022) under Order 22 Rule 3 read with Section 151 of Code of Civil Procedure, vide this application, it is prayed that appellant No.1 R.L. Choudhari has died on 28.05.2020, therefore, it is prayed that his legal heirs may be taken on record.</p> <p>As this application (I.A. No.3/2022) has been filed after the stipulated time, therefore, for condonation of delay, an application (I.A. No.2/2022) under Section 5 of the Limitation Act has also been filed. An application for setting aside the abatement has been filed under Order 22 Rule 9 as I.A. No.5 and an application (I.A. No.4) for condonation of delay in filing application under Order 22 Rule 9 of CPC has also been filed.</p> <p>The application (I.A. No.3) under Order 22 Rule 3 is duly supported with the affidavit of Santosh Choudhary and death certificate of the appellant is also annexed.</p> <p>On due consideration, all the applications are allowed.</p> <p>Delay in filing application is condoned and abatement in the appeal is also set aside.</p>

Let necessary amendment be incorporated within a week.

Mr. Manoj Paranjpe, Advocate submits that at this stage, as the execution proceeding is going on, therefore, it is prayed that the effect and operation of both the Courts below may be stayed.

Learned counsel appearing for respondent No.3 submits that the arguing counsel is not available today, therefore, seeks some time to make submission.

As prayed, list the matter tomorrow i.e. on **19.07.2022**.

Sd/-

(Arvind Singh Chandel)
Judge