



HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 152 of 2015

Arun Kumar And Ors. **versus** Srikant Sarda

Order on Board

05/02/2026	Mr. K.N. Singh, Advocate for the appellants. Mr. Parth Shrivastava, Advocate appears on behalf of Mr. Anand Shukla, Advocate for the respondent. Heard on I.A. No.04/2025, application under Order 22 Rule 3 CPC for bringing legal representatives of deceased appellants No.2 & 5 (Suresh Kumar and Smt. Prabha Devi Gupta respectively) on record, as they have died during the pendency of the appeal. Also heard on I.A. No.05/2025, application under Order 22 Rule 9 of CPC for setting aside the abatement and I.A. No.06/2025, application filed under Section 5 of the Limitation Act for condonation of delay in filing the application for bringing the legal representatives of
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the deceased appellants on record.

Learned counsel for the appellants submits that there are five appellants in the present appeal, all of them are close relatives. He further submits that though, two of the appellants have died during the pendency of the appeal, the cause of action still survives jointly along with the remaining appellants and therefore, the applications deserve to be allowed.

Per contra, learned counsel appearing for the respondent, while objecting the aforesaid applications, submits that the delay in filing the applications has not been properly explained and the appeal stands abated insofar as appellants No.2 & 5 are concerned.

I have heard learned counsel for the parties and perused the record.

Since the present appeal arises out of a landlord-tenant dispute and the appellants are close relatives, this Court is of the considered opinion that the cause of action survives and the applications deserve to be allowed in the interest of justice.

Accordingly, I.A. Nos. 04/2025, 05/2025 and 06/2025 are hereby allowed.

Learned counsel for the appellants is permitted to carry out necessary amendments in the cause title of the memo of appeal and the amended cause title shall be filed within a period of seven days.

List this case for admission in the week after next.

Sd/-
(BIBHU DATTA GURU)
Judge