

***RFA No. 183 of 2007***

**08.03.2019 Present:** Mr. Shiv Pal Manhans Additional Advocate General with Mr. R.R.Rahi, Deputy Advocate General for the appellant.

Mr. Vivek Darhel, Advocate, vice Mr.P.S.Goverdhan, Advocate, for respondents No. 2(a), 2(c) and 4(d).

Mr. Dalip Chand Advocate vice Mr. Sumit Raj Sharma, Advocate, for respondents No. 2(f) and 2(d).

**CMP(M) Nos. 178 and 179 of 2019**

These applications have been filed for substitution of deceased respondent No. 1(a) Jagat Ram through his legal heirs. No reply is intended to be filed, rather no objection has been communicated for allowing these applications.

The applications are duly supported by death certificate as well as legal heirs certificate of deceased Jagat Ram.

For the reasons stated in application, the same are allowed and after condoning the delay in filing the application CMP(M) No. 178 of 2019 and setting aside the abatement, if any, the legal heirs of deceased respondent No.1(a) Jagat Ram, mentioned in para 4 of application, CMP(M) No. 178 of 2018, are permitted to be brought on record as respondent Nos. 1(a) (i) to 1(a)(v). Applications are allowed and disposed of.

**CMP(M) No. 180 and 181 of 2019**

These applications have been filed for substitution of deceased respondent No. 1(b) Omti Devi through her legal heirs. No reply is intended to be filed, rather no objection has been communicated for allowing these applications.

The applications are duly supported by death certificate as well as legal heirs certificate of deceased Omti Devi.

For the reasons stated in application, the same are allowed and after condoning the delay in filing the application CMP(M) No. 180 of 2019 and setting aside the abatement, if any, the legal heirs of deceased respondent No.1(b) Omti Devi, mentioned in para 4 of application, CMP(M) No. 180 of 2018, are permitted to be brought on record as respondent Nos. 1(b)(i) to 1(b)(xvi). Applications are allowed and disposed of.

**CMP No. 1624 of 2019**

This application has been filed to place the copy of family register on record for establishing that respondent No.4(a) Kanta is alive. There is no report on record indicating that Kanta Devi is not alive. However, it appears from the amendments carried out in memo of parties vide order dated

5.5.2010 that proposed respondent No. 4(a) Smt. Bhagwati, wife of Badri, has been depicted as respondent No. 4(a) and Kanta has been depicted as respondent No. 4(b). Whereas, perusal of order dated 5.5.2010 reveals that Bhagwati was not ordered to be brought on record as respondent No. 4(a) and in fact, Kanta was directed to be arrayed as party/respondent No.4(a) along with other legal heirs after death of original respondent No. 4 Badri as aforesaid Bhagwati was already arrayed as respondent No.7. Therefore, plea taken in this application is accepted and direction to take consequential steps on account of death of respondent No. 4(a) is recalled and application stands disposed of.

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Steps for service of newly added respondents No. 1(a)(i) to 1(a)(v) and respondents No.1(b)(i) to 1(b)(xvi) be taken within two weeks and on taking such steps, notices returnable within four weeks be issued to these respondents.

The consequential steps on account of death of respondent No. 7 Bhagwati and respondent No. 11(a) Rajesh Kumar have not been taken. Be taken within two weeks.

List after six weeks.

**March 08, 2019**  
**(ms)**

**(Vivek Singh Thakur)**  
**Judge**