

**RSA No. 362 of 2007**

02.03.2016. Present: Ms. Monika Shukla, Advocate, for appellants No. 1(a), 1(b), 2, 3 and for proposed LR of deceased appellant No. 4 Sh. Kehar Singh.

Mr. K.B. Khajuria, Advocate, for respondents No. 1 and 2.

**CMP(M) Nos. 1666 and 1667 of 2015**

Appellant No. 4 Shri Kehar Singh has expired on 27.12.2013 leaving behind Shri Subhash Chand his son as his sole legal representative. Said Shri Subhash Chand is duly represented. No reply in these applications is intended to be filed on behalf of appearing respondents. The application though has been filed beyond the period of limitation, however, the delay as occurred in filing the same, stands satisfactorily explained from the perusal of another application, CMP(M) No. 1667 of 2015, filed under Section 5 of the Limitation Act. Therefore, I allow both the applications and order to bring on record Shri Subhash Chand, whose particulars find mentioned in prayer clause of application [CMP(M) No. 1666 of 2015] as appellant No. 4(a) in the main appeal. Registry to carry out necessary correction in the cause title of the appeal. Both applications stand disposed of accordingly.

**CMP(M) Nos. 1668 and 1669 of 2015**

Respondent No. 3 Smt. Durgi Devi has expired on 25.11.2008 during the pendency of this appeal in this Court. She is survived by her legal representatives, named in para-1 of the application, CMP(M) No. 1668 of 2015. The proposed legal representatives are duly served. There is, however, no appearance on their behalf. The application for substitution of the legal

representatives, no doubt, has been filed beyond the period of limitation, however, the delay as occurred in filing the same stands satisfactorily explained from the another application, CMP(M) No. 1669 of 2015 filed under Section 5 of the Limitation Act. Otherwise also, no reply is intended to be filed on behalf of appearing respondents. Being so, I allow both the applications and on condonation of delay, order to bring on record the proposed legal representatives named in para-1 of the application, CMP(M) No. 1668 of 2015 as respondents No. 3(a) and 3(b) in the main appeal. Registry to carry out necessary correction in the cause title of the appeal. Both applications stand disposed of.

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Amended memo be filed within two weeks. Notice of the appeal be issued to respondents No. 3(a) and 3(b) returnable within eight weeks, on taking steps within a week.

(Dharam Chand Chaudhary),  
Judge.

March 02, 2016.  
(vs)