



RSA No. 40 of 2018

14.7.2021

Present: Mr. Anuj Nag, Advocate, for the appellants.
Mr. Neeraj Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for respondents No. 1 (a), 6, 7, 8 (c) to 8(g), 10(a) and 10(b), 14, 15 (b), 16, 17, 30(b) and 30(e).

(Through Video Conferencing)

CMP(M) No. 113 of 2021

By way of instant application filed under Order 22 Rule 4 of CPC read with 151 of CPC, prayer has been made on behalf of the applicants/appellants, for bringing on record the LRs of deceased respondent No.12 Shri Shakti Chand.

Pursuant to notice issued vide order dated 1.4.2021, Ms. Jyotika Gupta, Advocate, has filed power of attorney on behalf of LRs of aforesaid deceased respondent. Learned counsel for the aforesaid LRs of deceased respondent states that they have no objection in case prayer made in the application is allowed.

Having heard learned counsel for the parties and perused averments contained in the application, which is duly supported by an affidavit, this court finds that respondent No.12 Smt. Shakti Chand, has expired on 11.12.2020, leaving behind LRs as detailed in para-2 of the application. Since right to sue survives in favour of the person proposed to be substituted in place of deceased respondent No.12, there appears to be no impediment in accepting the prayer made in the application and accordingly, same is allowed and person detailed in para-2 of the application is ordered to be substituted in place of deceased respondent No.12, whose name otherwise is ordered to be deleted from the array of parties. Registry to carry out necessary correction in the memo of parties on the basis of amended memo of parties to be filed within a



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period of one week. Since Ms. Jyotika, has definite instructions to appear on behalf of newly added respondent No. 12(a), there is no need to issue notice. Application stands disposed of.

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Learned counsel for the respondents on instructions states that during the pendency of the present appeal, respondent No.1 (a) Smt. Kamla Devi has expired. Learned counsel further informs this Court that all the LRs of deceased R1 (a) are already on record, and as such, Mr. Anuj Nag, learned counsel, may file appropriate application, if any, for deletion of name of respondent No.1 (a).

14th July, 2021
manjit

(Sandeep Sharma),
Judge