



2018:HHC:9623

Suresh Kumar & ors. vs. Moti Ram & ors.

RSA No.40 of 2018

04.05.2022

Present

Mr. Anuj Nag, Advocate, for the appellants.

Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Jaswal, 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).

CMP(M) No.1235 of 2021

Though, proposed LR's 8(a) (i) to 8(a)(iii) and 17(a) stand duly served, but none has come present on their behalf and as such, they are ordered to be proceeded against *ex parte*.

Averments contained in the application as well as documents annexed therewith, clearly reveals that respondent No.8(a) Om Prakash and respondent No.17 Brahmi Devi, have expired on 8.10.2021 & 31.10.2021, leaving behind their LR's, as detailed in paras 2 & 3 of the application. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent Nos. 8(a) and 17, there appears to be no impediment in accepting the prayer made in the application and accordingly, the same is allowed. LR's as detailed in Paras-2 & 3 of the application are ordered to be substituted in place of deceased respondents No. 8(a) and 17, whose name are otherwise ordered to be deleted from the array of the parties. Registry to carry out necessary correction in the memo of parties on the basis of amended memo of parties annexed with the application. Application stands disposed of.

CMP(M) No. 449 of 2022

By way of instant application filed under Order 22 Rule 4 read with Section 151 CPC, prayer has been made on behalf of applicants/appellants for bringing on record LR's of deceased



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respondent No.36, Pritam Chand, who has expired on 24.02.2022, leaving behind his LRs, as detailed in para-3 of the application.

Notices to aforesaid proposed LRs, as detailed in para-3 of the application, be issued, returnable within four weeks, on taking steps within a period of one week.

RSA No.40 of 2018

Notices to newly impleaded LRs No.8(a)1 to 8(a)3 and 17(a), be issued, returnable within four weeks, on taking steps within a period of one week.

(Sandeep Sharma)
Judge

4th May, 2022
(reena)