

Saroj Kumari & others vs. Pushpa Devi & others

RSA No. 56 of 2009

24.8.2022 Present: Mr. Anand Sharma, Sr. Advocate with Mr. Karan Sharma, Advocate, for the appellants.

Mr. K. D. Sood, Sr. Advocate with Mr. Het Ram, Advocate, for the respondents.

CMP No. 2316 of 2022

By way of this application, a prayer has been made to delete the name of appellants No. 10 to 12 from the array of parties. It has been submitted that appellant No. 12 Smt. Melo Devi had in fact died during the pendency of appeal before First Appellate Court and at that stage her LRs were not brought on record, whereas deceased Smt. Melo Devi was one of the respondent. Appellant No. 10 Smt. Santosh Kumari and appellant No. 11 Smt. Bimla Devi are stated to have died during the pendency of this appeal.

In reply to this application, the respondents have submitted that the applicant be allowed only on the conditions that the appellants shall not later derive any benefit on the merits of the case and also subject to the protection of the rights of the respondents.

The appellants are the *dominus-litis* of their appeal. There is no legal impediment in deleting the names of deceased appellants Nos. 10 to 12 on the application filed on behalf of the other appellants. Accordingly, the application is allowed and the names of deceased appellants No. 10 to 12 are ordered to be deleted from the array of parties. This order will, however, subject to the conditions that it will not prejudice the rights of the respondents. The application stands disposed of.

(Satyen Vaidya)
Judge

24th August, 2022
(kck)