

RFA No. 64 of 2010

28.11.2018 Present: Mr.Shiv Pal Manhans, Additional Advocate General, with Mr.R.P. Singh and Mr.Raju Ram Rahi, Deputy Advocate General, for appellants/applicants.

Respondents No.1 to 7 and 9 to 13 ex parte.

None for proposed LR's of respondent No. 8(d) to 8(f).

CMP(M) Nos. 1735 & 1736 of 2016 and 1564 & 1565 of 2018

CMP (M) Nos. 1735 and 1736 of 2016 have been filed for bringing legal representatives of deceased respondent No. 8 on record. During pendency of these applications, it was noticed that legal representative/proposed respondent No. 8(g) has also expired, therefore, CMP (M) Nos. 1564 and 1565 of 2018 came to be filed for bringing legal representatives of proposed respondent No. 8(g) on record.

CMP (M) Nos. 1736 of 2016 and 1565 of 2018 have been filed for condonation of delay in filing applications i.e. CMP (M) Nos. 1735 of 2016 and 1564 of 2018. From the averments made in these applications, it is evident that delay in filing the applications CMP (M) Nos. 1735 of 2016 and 1564 of 2018, is neither intentional nor willful and from the record, it cannot be said that there was gross negligence on the part of applicants/appellants,

inviting dismissal of these applications. Therefore, delay in filing CMP (M) Nos. 1735 of 2016 and 1564 of 2018 is condoned.

From the documents placed on record, i.e. death certificate of deceased respondent No. 8 Daulat Ram along with his legal heirs certificate and death certificate of proposed respondent No. 8 (g) Smt. Vatu Devi along with her legal heirs certificate, it is evident that legal heirs of deceased respondent No. 8 mentioned as 8 (a), 8(b) and 8(c) are already on record as respondents No. 9, 10 and 11 and his wife, mentioned as respondent No. 8(g) Smt. Vatu Devi, has also expired and her legal heirs are the remaining legal heirs of respondent No. 8 Daulat Ram. Out of these legal representatives/proposed respondents No. 8(a), 8(b) and 8(c) are already on record as respondents No. 9, 10 and 11, therefore, after death of legal representative/proposed respondent No. 8(g) of deceased respondent No. 8, legal representative Nos. 8(d) Smt. Sharda Devi, 8(e) Smt. Leela Devi and 8(f) Smt. Kaushyala Devi are required to be brought on record.

In view of above, aforesaid Smt. Sharda Devi, Smt. Leela Devi and Smt. Kaushyala Devi are permitted to be brought on record as respondents No. 8(i) to 8(iii) with clarification that share of deceased respondent No. 8 Daulat

Ram shall be divided in equal shares amongst respondents No. 8(i), 8(ii), 8(iii) and respondents No. 9, 10 and 11, being his sons and daughters. Amended memo be filed within a week. The applications stand disposed of.

***(Vivek Singh Thakur),
Judge.***

28th November, 2018
(KRS)