

Smt. Satya Devi & others vs. Kanso Devi.
RSA No. 101 of 2008

08.03.2022 Present: Mr. Basant Thakur, Advocate, for the appellants except appellant No.2 and for legal heirs of appellant No.2.

Mr. Ajay Thakur, Advocate, vice Ms. Aanandita Sharma, Advocate, for the respondents.

CMP(M) Nos.149 and 150 of 2022

These applications have been filed for substitution of deceased appellant No.2 Tarsem Singh, who has expired on 16.5.2019, through his legal heirs mentioned in para 2 of the application i.e wife, son and daughter namely Smt. Balbinder Kaur, Bhupender Singh and Harjeet Kaur, respectively. Death certificate of deceased Tarsem Singh has also been placed on record.

It has been stated that aforesaid proposed appellants are only legal representatives of deceased appellant No.2, in whose favour right to sue survives. As entire estate of deceased appellant No.2 has devolved upon them and they are intermeddling the same.

No objection has been communicated on behalf of respondents for allowing these applications.

In the aforesaid facts and circumstances, appellant No.2 is permitted to be substituted through his legal heirs mentioned in para 2 of OMP No. 149 of 2022 as appellants No. 2(a), 2(b) and 2(c) respectively, after condonation of delay and setting aside the abatement, if any.

Applications stands disposed of.

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Power of attorney on behalf of newly added appellants No.

2(a) to 2(c) as well as amended memo of parties be filed within two weeks, positively.

In the meanwhile, fresh power of attorney on behalf of respondents also be filed.

(Vivek Singh Thakur)
Judge

March 08, 2022
(veena)