

State of H.P. & Ors. Vs. Roshan Lal & Ors.

**RFA No. 38/2009 a/w Cross Objections
No. 340/2009**

02.01.2026 Present: Mr. Manoj Chauhan, Additional Advocate General, for appellants No. 1 to 3/State.

Mr. Hamender Singh Chandel, Advocate, for appellant No. 4.

Mr. Pankaj Sawant, Advocate, vice Mr. Sunil Kumar, Advocate, for respondents No. 1 to 6, 8(a) to 8(i), 8(n) to 8(p), 8(r) to 8(t), 8(v), 9 to 15, 17 to 21, 23 & 24.

CMPs(M) No. 2065 & 2066/2025

Notices issued to proposed legal representatives No. 14(a) to 14(f) have been received back duly served. However, there is no representation on their behalf, hence they are proceeded against ex parte.

The instant applications, under Order 22, Rule 4, read with Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act, have been filed by the applicant for bringing on record the legal representatives of deceased respondent No. 14, Partap Singh and for condonation of delay in filing the application. The application is duly supported by an affidavit of Managing Director-cum-CEO, SJPNL, death certificate of the deceased as well as report of Patwari. No reply to the applications is intended to be filed.

As per the applicant, respondent No. 14 has

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expired on 23.04.2024 and left behind the legal representatives, as mentioned in para-4 of the application (CMP.M No. 2065 of 2025). However, the delay in filing the application has occurred, as it took considerable time to obtain death certificate of the deceased and details of his legal heirs. Therefore, the delay, as occurred is neither intentional, nor willful, but was beyond the control of the applicant and deserves to be condoned in the interest of justice.

Heard. Taking into consideration the fact that the delay, as occurred, was beyond the control of the applicant and has been sufficiently explained in the application (CMP.M No. 2066 of 2025), as such, the same is condoned.

As right to sue still survives in favour of the legal representatives of deceased respondent No. 14, the application is allowed and legal representatives, as mentioned in para-4 of the application (CMP.M No. 2065 of 2025), are ordered to be brought on record, after setting aside the abatement, if any.

Amended memo of parties filed alongwith the applications is ordered to be taken on record.

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The applications stand disposed of.

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Let notices be issued to respondents No. 14(a) to 14(f) returnable within eight weeks, on taking steps within three days. List thereafter.

**(Sushil Kukreja)
Judge**

2nd January, 2026
(raman)