

RSA No. 419 of 2002

08.03.2017 Present: Mr. Bimal Gupta, Sr. Advocate with Ms. Kusum Chaudhary, Advocate, for the appellants.
Mr. Rakesh Verma, Advocate, vice counsel for respondent No. 1.

CMP No. 8444 of 2015

The present application is maintained by the applicant/respondent, under Order 22, Rule 10-A of the Code of Civil Procedure, to bring on record the factum of death of the sole respondent, late Sh. Krishan Kumar. As per the applicant, the sole respondent has expired on 05.02.2015 and copy of death certificate to this effect is enclosed with the application.

Heard. Taking into consideration the fact that learned counsel for the respondent has brought on record the factum of death of sole respondent, late Sh. Krishan Kumar, accordingly the application stands disposed of.

CMP(M) No 22 of 2017

The present application is maintained by the applicant/appellants, under Section 5 of the Limitation Act, for condonation of delay in filing the application for bringing on record the legal representatives of deceased sole respondent, Krishan Kumar. As per the applicants, they were not aware about the death of sole respondent, as respondent was duly represented by his counsel, it was only, when learned counsel for the respondent filed the application, under Order 22, Rule 10-A, the applicants came to know about the death of sole respondent and immediately thereafter they filed the application. The application is duly supported with an affidavit.

No reply to the application has been filed nor intended to be filed.

Heard. Taking into consideration the reasons stated hereinabove, the present application is allowed and the delay of 111 days in filing the application, under Order 22, Rules 4 & 9 CPC, is condoned. The application stands disposed of.

CMP(M) No. 21 of 2016

The present application is maintained by the applicants/appellants, under Order 22, Rules 4 & 9, read with Section 151 CPC, for bringing on record the legal representatives of deceased sole respondent, Krishan Kumar. As per the applicants, sole respondent has expired on 05.02.2015 and left behind the legal representatives, as mentioned in Para-2 of the application. The application is duly supported with an affidavit. No reply to the application has been filed nor intended to be filed.

Heard. Taking into consideration the fact that as cause to sue still persists against the legal representatives of deceased sole respondent, so the abatement, if any, is set aside and the legal representatives of deceased sole respondent, Krishan Kumar, as mentioned in Para-2 of the application are ordered to be brought on record. The application stands disposed of.

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Amended memo of parties be filed within a week. The Registry to reflect this order in the memo of parties to the appeal in red ink.

Learned counsel for the deceased respondent prays for and is granted three weeks' time to file Power of Attorney on behalf of newly substituted respondents. The same be filed within three weeks. List for hearing on **17th April, 2017**. It is made clear that on said date the appeal be heard in all probabilities.

(Chander Bhusan Barowalia)
Judge

8th March, 2017
(*raman*)

