

Bihari Lal (deceased) through his LRs Vs. Brahmi Devi and others.

RSA No. 187 of 2008

12.10.2023 Present: Mr. Bimal Gupta, Sr. Advocate with Ms. Kusum Chaudhary, Advocate, for the appellants.

Mr. Romesh Verma, Sr. Advocate, with Mr. Hitesh Thakur, Advocate, for respondents No. 1 to 4 and proposed legal representative Nos. 5(i) to 5(iv).

CMP No. 14405 of 2023

The present application has been filed for recalling of the orders dated 27.9.2023 and deleting the name of respondent No. 5(vi).

It has been asserted that the estate of respondent No. 5(vi) is duly represented by respondents No. 1 to 4, 5(v), 5(vii) to 5(ix) and therefore, the non-service/deletion of respondent No. 5(vi) will not affect the main appeal. Hence, the present application.

Learned counsel for the respondents stated that he has no objection if the said application is allowed, subject to just exception.

In view of this, the present application is allowed and the name of respondent No. 5(vi) is ordered to be deleted from the array of parties, subject to just exception. The present application stands dispose of.

CMP(M) No. 1259 of 2022

The present application has been filed for bringing on record the legal representatives of respondent No. 5-Roshan Lal.

It has been asserted that respondent No. 5 had died during the pendency of the appeal and has left behind the legal representatives as mentioned in para-2 of the application and out of these legal representatives Brahmi Devi, Hem Raj, Krishan Kumar and Ashok Kumar have already been arrayed as respondents No. 1 to 4. Hence this application.

Learned counsel for the respondents submitted that he has no objection if the present application is allowed.

Keeping in view the averments made in the application which is duly supported by an affidavit, wherein it has been specifically asserted that there is no other legal representative of respondent No. 5, the present application is allowed and the legal representatives No. 1 to 4 as mentioned in para-2 of the application, are ordered to be brought on record as legal representatives of respondent No. 5. Amended memo of parties be filed. Application stands disposed of.

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List for hearing in due course.

(Rakesh Kainthla)
Judge

October 12, 2023
(Chander)