

27.4.2017

Present: Mr. Rajnish K. Lal, Advocate for the appellant.

Mr. Neeraj Gupta, Advocate for respondents No.3(b) to 3(e).

CMP(M) No. 98/2016, CMP(M) Nos. 12 & 160/2017.

As per report of the Registry, all proposed legal representatives of deceased respondent No.1 stand served. Mr. Neeraj Gupta has put in appearance on behalf of proposed legal representative of respondent No.1(c) and 1(h). No one has put in appearance on behalf of remaining served proposed legal representatives. I have heard learned counsel for the appellant as well as Mr. Gupta, learned counsel who has put in appearance on behalf of proposed legal representatives 1(c) and 1(h). Mr. Gupta submits that he does not intend to file any reply to the said application. Remaining proposed legal representatives of deceased respondent No.1 who as per report of the Registry stand duly served are hereby proceeded against ex parte. A perusal of the averments made in these applications demonstrate that applicant has assigned reason therein as to why the legal representatives of deceased respondent No.1 could not be brought on record immediately after the death of said respondent. It is evident from the averments made in these applications which are duly supported by affidavit that delay in filing the present application is bonafide and not intentional. Accordingly, in view of the averments made therein, applications are allowed. Delay in filing the application to bring on record proposed legal representatives of deceased respondent No.1 is condoned. Abatement is set aside and proposed legal

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representatives in CMP(M) No. 98 of 2016, CMP(M) Nos. 12 and 160 of 2017 are ordered to be brought on record in place of deceased respondent No.1. Learned counsel for the appellant to file amended memo of parties within a period of two weeks.

The applications stand disposed of.

RSA No. 211 of 2007.

As per report of the Registry respondent No. 3(a) stands duly served. As none has put in appearance on behalf of said respondent, accordingly the said respondent is proceeded against ex parte. Let fresh notices be now issued to newly added respondents in the main appeal for **16.6.2017**. Steps for the service of said respondents be taken within a period of two weeks.

(Ajay Mohan Goel)
Judge

27th April, 2017
(Guleria)

