

**RFA No.234 of 2013**

11.06.2019 Present: Mr. Karan Sharma, Advocate, for the appellant.

Mr. Vivek Sharma, Advocate, for proposed LRs
No.1(a) to 1©, 1(g) and 1(i)

CMP(M) Nos.1315 & 1316 of 2019

By way of instant applications filed under Order 22 Rule 4 & 9 read with Section 151 of the Civil Procedure Code and under Section 5 of the Limitation Act, prayer has been made on behalf of the applicant/appellant for bringing on record the legal representatives of sole respondent Smt. Suini after condoning the delay and setting aside the abatement, if any. Though, in reply to the aforesaid application, non-applicant/respondent has stated that no plausible explanation has been rendered on record by the applicant/appellant for condoning the delay in filing the application under Order 22 Rule 4 and 9 CPC for bringing on record the legal representatives of deceased sole respondent, yet having carefully perused the averments contained in the application(s), this Court is convinced and satisfied that delay in maintaining the accompanying application is neither intentional nor deliberate, rather the same is occurred on account of the circumstances, which were completely beyond the control of the applicant/appellant and as such, delay of one year 8 months and 24 days in filing the application, which in my considered view has been sufficiently explained, is condoned. Abatement, if any, set-



aside.

Though, in para-3 of the application bearing CMP(M) No.1315 of 2018, applicant/appellant has proposed 17 person to be impleaded as party respondents, but proposed respondents No1 to 3 are already being represented by Sh. Vivek Sharma, Advocate, whereas remaining proposed respondents were proceeded ex-parte vide order dated 3.1.2019. Mr. Vivek Sharma, learned counsel representing the non-applicant/respondent states that as per the Will executed by the sole respondent Smt. Suini, only persons namely Sh. Bhag Singh, Prem Singh, Krishan Dutt, Harish Pal, sons and Sh. Prabhu Dayal one of her grandson are required to be impleaded as party respondents.

In view of the above, person named at Sr. No.1 to 3, 7 and 9 in para-3 of the application bearing CMP(M) No.1315 of 2018 are ordered to be impleaded as party respondents. Since all the above named respondents are being represented by Sh. Vivek Sharma, Advocate, no separate notice is required to be issued at this stage. Amended memo of parties be filed within a period of two days. Registry is directed to carry out necessary correction in memo of parties. The applications stand disposed of.

RFA No.234 of 2013

During the proceedings of the case, Mr. Vivek Sharma, learned counsel representing the respondents states that respondent No.3, Sh. Prem Singh has expired on



2026:HHC:9645

16.2.2019 and as such, steps are required to be taken by the appellant.

Mr. Karan Sharma, learned counsel representing the appellant prays for and is granted two weeks' time to move appropriate application for bringing on record the legal representatives of deceased respondent No.3. List thereafter.

11th June, 2019
(shankar)

(Sandeep Sharma)
Judge