

**RFA No. 234 of 2013**

18.07.2019 Present:-- Mr. Karan Sharma, Advocate, for the appellant.
Mr. Vivek Sharma, Advocate, for proposed LR's of 1(a), 1(b), 1(g) and 1(i).

CMP(M) Nos. 1075 and 1076 of 2019.

By way of instant applications filed under Order 22 Rule 4 and 9 read with Section 151 of CPC and under Section 5 of the Limitation Act, prayer has been made on behalf of the applicant/appellant for bringing on record LR's of respondent No. 1(c) Sh. Prem Singh after condoning the delay and setting aside the abatement, if any.

Learned counsel representing non-applicants/respondents states that he does not intend to file reply to the applications and he shall have no objection, in case, prayer made in the same is allowed. Averments contained in the application CMP(M) No. 1076 of 2019 clearly reveals that delay in maintaining the accompanying application under Order 22 Rule 4 and 9 CPC, CMP(M) No. 1075 of 2019 is neither intentional nor deliberate, rather the same is occurred on account of the circumstance, which were completely beyond the control of the applicant/appellant and as such, delay, if any, which in my considered view has been sufficiently explained, is condoned. Ordered accordingly. Abatement, if any, is also set aside. The persons/proposed LR's



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named in paragraph 5 of the application CMP(M) No. 1075 of 2019 are ordered to be brought on record substituting the deceased respondent No. 1(c) Prem Singh. Registry to carry out necessary corrections in the memo of parties on the basis of amended memo of parties placed alongwith application. Since, Sh. Varun Chauhan, Advocate has put in appearance on behalf of the proposed LR's, no notice is required to be issued. Sh. Varun Chauhan, Advocate prays for and granted two weeks time to file power of attorney on behalf of newly impleaded respondents. Applications stand disposed of.

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Since, pleadings are complete, list for hearing in the month of September, 2019, as jointly prayed by learned counsel for the parties.

(Sandeep Sharma)
Judge

July 18, 2019
(Anant Parihar)