

Shankri alias vs. Mela Ram and others

RFA No.389 of 2006

13.12.2022 Present: Ms. Amita Chandel, Advocate vice Ms. Rachna Kuthiala, Advocate for the appellant/applicant.

M/s Devyani Sharma and Basant Pal Thakur, Advocates for the respondents/non-applicants.

CMP(M) No. 913 of 2022

By way of this application, a prayer has been made to substitute the deceased-sole appellant with her legal representatives, namely, Shri Pritam Singh, s/o late Shri Mangal Singh, who claims to be the son of brother of the deceased-appellant. The appellant is stated to have died on 05.09.2021. In terms of the averments made in the application, the deceased is stated to have left a Registered Will, in terms whereof the applicant succeeds to her estate.

Learned Counsel for the non-applicants/respondents has submitted that as a result of the death of the appellant, now the cause itself has died and the appeal in fact has lost its efficacy. She further submits that without prejudice to the rights of the non-applicants/respondents, let this application be allowed, subject to all just exceptions but the substitution of the applicant should not be deemed to be a waiver of the contention of the respondents with regard to the appeal having lost its efficacy.

Having heard learned Counsel for the parties and having perused the averments made in the application, the same

are disposed of by ordering the substitution of the deceased-appellant by her legal representatives, details whereof are now provided in the supplementary affidavit but with the observation that the substitution is subject to all just exceptions and also subject to the adjudications of the issues raised by the learned Counsel for the respondents that the appeal has lost its efficacy. The application stands disposed of.

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Amended memo of parties is ordered to be taken on record.

List in due course.

(Ajay Mohan Goel)
Judge

December 13, 2022
(narendar)