

Muni Lal vs. Sita Devi and Ors.

RSA No. 34 of 2023

11.03.2026

Present: Mr. H.C. Sharma, Advocate, for the appellant.

Mr. Pranjal Munjal, Advocate, for respondent No.1.

None for respondents No. 2 to 11,14,15,17,19 to 22,24 to 28 and 30 and 31.

Respondents No. 16 and 23 are stated to have died.

CMP(M) Nos. 1061 and 1062 of 2023 & CMP No. 31736 of 2025 and CMP No.31737 of 2025

These applications have been filed by the applicants/appellants under Order 22 Rule 4 read with Rules 9 and 11 C.P.C, bearing CMP (M)No. 1061 of 2023 and CMP (M)No.1062 of 2023 under Section 5 of the Limitation Act, for condonation of delay in filing the application for bringing on record the legal representatives of deceased respondents No. 16 and 23 namely Smt. Achhari alias Masarditi and Bindu @ Vidya. It has been averred in the application that respondent No.16 Smt. Achhari alias Masarditi has expired on 21.02.2015 and respondent No.23 Smt. Bindu alias Vidya has expired on 12.04.2001. It has been averred in the application that the same could not be filed well in time and the delay in filing the appeal is neither intentional nor willful but the same has occurred under the unavoidable circumstances. It is contended by the learned counsel for the applicant/appellant that immediately on knowing the factum of death of the said deceased respondents, immediate steps were taken and after

obtaining the death certificates, the present applications have been filed.

As mentioned in para 1 and 2 of the application bearing CMP(M) No.1061 of 2023, proposed LRs are the only legal representatives as per the learned counsel for the appellant.

Though time was granted to the respondents to file the reply to the said applications. However, no such reply has been filed.

Learned counsel for the respondent No.1 submits that he does not intend to file the reply to the applications.

Keeping in view the averments as made in the applications which are duly supported by affidavits and in view of the submissions of learned counsel for the applicant/appellant, the present applications are allowed and the legal representatives as mentioned in para 1 and 2 of the application being CMP(M) No.1061 of 2023 the legal representatives of deceased respondents No. 16 and 23 are ordered to be brought on record as respondents No. 16(a) to 16(c) and 23(a) and 23(b).

Learned counsel for the applicant/appellant undertakes to file fresh amended memo of parties within a period of two days.

Applications stand disposed off.

CMP No. 31736 of 2025

In order to substantiate its contention, the present application has been filed by the applicant/appellant for placing on record the copies of legal heirs certificates, which is allowed as not opposed. The documents annexed with the application are taken on record.

The application stands disposed off

CMP No. 31737 of 2025

The applicant is exempted from filing translated copy of Annexur A-1 to A-4 annexed with the application at this stage, subject to filing of the same within seven days, as and when directed to do so.

Application stands disposed of.

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Let notices be issued to the newly added respondents No. 16(a) to 16(c) and 23(a) and 23(b) returnable within four weeks, on taking steps within two days.

**(Romesh Verma)
Judge**

**March 11, 2026
(veena)**