



RFA No. 102 of 2010

4.12.2019 Present: Mr. V.B Verma, CGC, for the appellant.

Mr. Suneel Mohan Goel, Advocate, for
respondent No.1.

Mr. Hemand Vaid, Additional Advocate
General with Mr. Vikrant Chandel and Mr.
Yudhveer Singh Thakur, Deputy Advocate
General(s), for respondent No.2.

CMP(M) No. 1820 and 1819 of 2019

During the pendency of the instant appeal before this Court, it is averred on affidavit, qua the demise of co-respondent No.1 Mr. Dina Nath Verma, occurring on 4.5.2012. Though, some delay has occurred in the institution of the application at hand, however, given the good and sufficient cause made out in the application aforesaid, for, hence condoning the delay in, the, moving of the application before this Court, for begetting substitution of deceased co-respondent No. 1 by his LRs, hence the delay, if any, as stands occurred, stands condoned. Abatement, if any, stands set aside. Since the substitution of deceased co-respondent No.1 by his LRs is imperative, for, a continuation of the lis, hence the application, for, his being substituted by his LRs enumerated in paragraph one of CMP(M) No. 1819 of 2019, is allowed. The afore, is, de hors mutation, vis-a-vis,



the estate of the deceased litigant, in, consonance with the testamentary disposition being attested, vis-a-vis, one Atul and one Ritu Raj. In as much, as, upon the will, becoming unsuccessfully challenged, thereupon it being permissible, for, any of the counsel(s), to, make a motion before this Court, to, ensure, the, substitution of the legatees thereunder, as, the, deceased's legal heirs, hence in the array of co-respondents, in, the instant RFA. Consequently, subject to the afore, the LRs of deceased co-respondent No.1 enumerated in paragraph 1 of CMP(M) No. 1819 of 2019, contents whereof stand supported by an affidavit, are, permitted to be substituted in his place. The Registry is directed, to, carry out necessary corrections in the memo of parties. No notice need be issued to the newly added LRs of respondent No.1, as, they stand represented by Mr. Sunil Mohan Goel, Advocate. The applications stand disposed of.

4th December, 2019
(priti)

(**Sureshwar Thakur**),
Judge.