

RSA No.395 of 2006

7.7.2016

Present: Mr. Basant Thakur, Advocate, for the appellants.

Mr. Virender Kumar Verma, Addl. Advocate General,
for respondent No.1.

Mr. Jagdish Thakur, Advocate, for respondents No.2
to 9.

CMP (M) No.1035 of 2016

The present application is maintained by the applicants/appellants, under Section 5 of the Limitation Act, for condoning the delay in filing the application for bringing on record the legal representatives of deceased Shri Gulwant Singh, appellant No.5. As per the applicants/appellants, appellant No.5, has expired on 30.12.2014 and it is only when learned counsel for the appellant (s) informed that the case is listed for hearing, the present application was immediately filed. The delay in filing the application is of 01 year, 02 months and 20 days. The application is duly supported with an affidavit.

Learned counsel for the non-applicant does not intend to file reply to the application.

Heard. Taking into consideration the fact that the delay has occurred for the sufficient reasons, as the appellants/applicants only came to know about filing of the application, when he was so advised by the learned counsel for the applicant/appellant. The applicants have explained the delay which occurred for the reasons stated hereinabove. Hence, the application is allowed and delay in filing the application under Order 22 Rules 3 & 9 read with section 151 CPC, is condoned. Accordingly, the application stands disposed of.

CMP (M) No.1034 of 2016

The present application is maintained by the applicants/appellants under Order 22 Rules 3 & 9 read with section 151 CPC, for bringing on record the legal representatives of deceased appellant No.5, Shri Gulwant Singh. As per the applicants, appellant No.5 Shri Gulwant Singh, has expired on 30.12.2014, leaving behind the legal representatives as mentioned in para-2 of the application. The application is duly supported with an affidavit.

Learned counsel for the non-applicant does not intend to file reply to the application.

Heard. Taking into consideration the fact that the cause to sue still persists, the application is allowed and the legal representative of appellant No.5, as mentioned in para-2 of the application, are ordered to be brought on record. Accordingly, the application stands disposed of.

CMP (M) No.1037 of 2016.

The present application is maintained by the applicants/appellants, under Section 5 of the Limitation Act, for condoning the delay in filing the application for bringing on record the legal representatives of deceased Shri Dhani Ram, appellant No.6. As per the applicants, appellant No.6 Shri Dhani Ram, has expired on 8.7.2014 and it is only when learned counsel for the appellant (s) informed that the case is listed for hearing, the present application was immediately filed. The delay in filing the application is of 01 year, 08 months and 11 days. The application is duly supported with an affidavit.

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Learned counsel for the non-applicant does not intend to file reply to the application.

Heard. Taking into consideration the fact that the delay has occurred for the sufficient reasons, as the appellants/applicants only came to know about the filing of the application, when he was so advised by the learned counsel for the applicant/appellant. The applicants have explained the delay which occurred for the reasons stated hereinabove. Hence, the application is allowed and delay in filing the application under Order 22 Rules 3 & 9 read with section 151 CPC, is condoned. Accordingly, the application stands disposed of.

CMP (M) No.1036 of 2016

The present application is maintained by the applicants/appellants under Order 22 Rules 3 & 9 read with section 151 CPC, for bringing on record the legal representatives of deceased appellant No.6, Shri Dhani Ram. As per the applicants, appellant No.6 Shri Dhani Ram, has expired on 8.7.2014, leaving behind the legal representatives as mentioned in para-2 of the application. The application is duly supported with an affidavit.

Learned counsel for the non-applicant does not intend to file reply to the application.

Heard. Taking into consideration the fact that the cause to sue still persists, the application is allowed and the legal representative of appellant No.6, as mentioned in para-2 of the application, are ordered to be brought on record.

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Accordingly, the application stands disposed of.

CMP (M) No.1039 of 2016

The present application is maintained by the applicants/appellants, under Section 5 of the Limitation Act, for condoning the delay in filing the application for bringing on record the legal representatives of deceased Shri Mehar Chand, appellant No.9. As per the applicants, appellant No.9 Shri Mehar Chand, has expired on 6.10.2010 and it is only when learned counsel for the appellant(s) informed that the case is listed for hearing, the present application was immediately filed. The delay in filing the application is of 05 years, 08 months and 09 days. The application is duly supported with an affidavit.

Learned counsel for the non-applicant does not intend to file reply to the application.

Heard. Taking into consideration the fact that the delay has occurred for the sufficient reasons, as the appellant only came to know about the filing of the application, when he was so advised by the learned counsel for the applicant/appellant. The applicants explained the delay which has occurred for the reasons stated hereinabove. Hence, the application is allowed and delay in filing the application under Order 22 Rules 3 & 9 read with section 151 CPC, is condoned. Accordingly, the application stands disposed of.

CMP (M) No.1038 of 2016

The present application is maintained by the applicants/appellants under Order 22 Rules 3 & 9 read with

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section 151 CPC, for bringing on record the legal representatives of deceased appellant No.9, Shri Mehar Chand. As per the applicants, appellant No.9 Shri Mehar Chand, has expired on 6.10.2010, leaving behind the legal representatives as mentioned in para-2 of the application. The application is duly supported with an affidavit.

Learned counsel for the non-applicant does not intend to file reply to the application.

Heard. Taking into consideration the fact that the cause to sue still persists, the application is allowed and the legal representative of appellant No.9, as mentioned in para-2 of the application, are ordered to be brought on record. Accordingly, the application stands disposed of.

CMP No.5106 of 2016.

The present application is maintained by the applicants/appellants under Order 1 Rule 10 read with section 151 CPC, for deleting the name of appellant No.1, Jamuna Devi. As per the applicants/appellants, appellant No.1, Smt. Jamuna Devi, has expired on 9.3.2013. As per the applicant, the entire estate of the deceased Smt. Jamuna Devi, is being represented by Shri Pawan Kumar, appellant No.2, in the present appeal. The application is duly supported with an affidavit.

Learned counsel for the non-applicant does not intend to file any reply to the application.

Heard. Taking into consideration the fact that appellant No.1, Smt. Jamuna Devi, has died on 9th March, 2013 and her estate is being represented by her nephew, Shri Pawan

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Kumar, appellant No.2. Accordingly, the application is allowed, subject to just exception and name of appellant No.1, Smt. Jamuna Devi, is ordered to be deleted from the array of parties. The Registry is to reflect this order in the cause title of the appeal in red ink. The application stands disposed of.

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Amended memo of parties be filed within two weeks. List thereafter.

July 07, 2016
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(Chander Bhusan Barowalia)
Judge

