

Jamuna Devi & Others Vs. State of H.P. & Others

RSA No.395 of 2006

07.10.2023

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

Mr. H.S. Rawat, Mr. Mohinder Zharaick, Additional Advocate General, with Ms. Leena Guleria, Deputy Advocate General for respondent No.1.

Mr. Divya Raj Singh, Advocate, for respondent No.2.

None for respondents No.3 to 9.

CMP No. 12895 of 2023.

In view of the no objection made by learned counsel for respondents No.1 and 2, the application is allowed. Consequently, the father's name of appellants No.6 to 9 is ordered to be corrected, as prayed for.

The application stands disposed of.

CMP No. 12896 of 2023.

By way of the present application, a prayer has been made to delete the name of appellant No.3 Smt. Vaslo Devi, who, as per the application, has expired on 02.01.2021, on the ground that her estate is being inherited by her son Pawan Kumar, who is already on record as appellant No.2.

Although, as per the application, Vaslo Devi has left behind two daughters, namely Suresh Kumari and Parmla Devi, however, the entire estate of Smt. Vaslo Devi has been inherited by Pawan Kumar.

In view of the no objection made by learned counsel appearing for respondents No.1 and 2, the application is allowed and the name of appellant No.3 is ordered to be deleted from the array of parties.

The application stands disposed of.

CMP No. 12897 of 2023.

By way of the present application, a prayer has been made to delete the name of appellant No.9(d) Kamlesh Devi, who, as per the application, has expired on 04.04.2021, on the ground that her legal representatives are already on record, as appellants No.9(a) to 9(c).

In view of the no objection made by learned counsel appearing for respondents No.1 and 2, the application is allowed and the name of appellant No.9(d) is ordered to be deleted from the array of parties.

The application stands disposed of.

CMP No. 12898 of 2023.

The application is disposed of with a direction to the applicant-petitioner to file English translation/typed copies of the Annexures in issue, within a period of four weeks.

CMP(M) No.1199 & 1200 of 2023.

By way of these applications, a prayer has been made to bring on record the legal representatives of deceased appellant No.4, Bahadur Singh, who, as per the application, has expired on 17.11.2022, leaving behind his legal representatives, named in para 2 of the application, CMP(M) No.1199 of 2023.

Since, the application for bringing on record the legal representatives has been filed after the prescribed period of limitation, as such, application under Section 5 of the Limitation Act, has also been filed.

In view of the no objection made by learned counsel appearing for respondents No.1 and 2, the applications are allowed and, after condoning the delay, the proposed legal representatives of deceased appellant No.4, are ordered to be brought on record, as appellants No.4(a) and 4(b). They are duly represented by learned counsel for the appellants.

The application stands disposed of.

CMP(M) No.1201 & 1202 of 2023.

By way of these applications, a prayer has been made to bring on record the legal representatives of deceased appellant No.6(a), Bishan Chand, who, as per

the application, has expired on 29.11.2017, leaving behind his legal representatives, named in para 2 of the application, CMP(M) No.1201 of 2023.

Since, the application for bringing on record the legal representatives has been filed after the prescribed period of limitation, as such, application under Section 5 of the Limitation Act, has also been filed.

In view of the no objection made by learned counsel appearing for respondents No.1 and 2, the applications are allowed and, after condoning the delay, the proposed legal representatives of deceased appellant No.6(a), are ordered to be brought on record as appellants No.6(a)(i) and 6(a)(ii). They are duly represented by learned counsel for the appellants.

The application stands disposed of.

CMP(M) No.1203 & 1204 of 2023.

By way of these applications, a prayer has been made to bring on record the legal representatives of deceased appellant No.8, Ram Chand, who, as per the application, has expired on 20.01.2022, leaving behind his legal representative named in para 2 of the application, CMP(M) No.1203 of 2023.

Since, the application for bringing on record the legal representative has been filed, after the prescribed period of limitation, as such, application under Section 5 of the Limitation Act, has also been filed.

In view of the no objection made by learned counsel appearing for respondents No.1 and 2, the applications are allowed and, after condoning the delay, the proposed legal representative of deceased appellant No.8, is ordered to be brought on record as appellants No.8(a). He is duly represented by learned counsel for the appellants.

The application stands disposed of.

CMP(M) No.1205 & 1206 of 2023.

By way of these applications, a prayer has been made to bring on record the legal representatives of deceased respondents No.8, who, as per the application, has expired on 31.05.2021.

Since, the application for bringing on record the legal representatives has been filed, after the prescribed period of limitation, as such, application under Section 5 of the Limitation Act, has also been filed.

Before proceeding further, let notices of these applications be issued to the proposed legal

representatives of respondent No.8, named in para 2 of the application, CMP(M) No.1205 of 2023, for **11th December, 2023**, on taking steps within one week from today.

CMP(M) No.1207 & 1208 of 2023.

By way of these applications, a prayer has been made to bring on record the legal representatives of deceased respondents No.9, who, as per the application, has expired on 02.06.2021.

Since, the application for bringing on record the legal representatives has been filed, after the prescribed period of limitation, as such, application under Section 5 of the Limitation Act, has also been filed.

Before proceeding further, let notices of these applications be issued to the proposed legal representatives of respondent No.9, named in para 2 of the application, CMP(M) No.1207 of 2023, for **11th December, 2023**, on taking steps within one week from today.

(Virender Singh)
Judge

October 07, 2023_(ps)