

**Niku Ram (deceased) through LRs Vs. Rattan Singh
(deceased) through LRs & others**

RSA No. 410 of 2007

17.08.2023

Present: Mr. Mamta Garg, Advocate, vice Mr. Dinesh Bhanot, Advocate, for the appellants.

Mr. J.L. Bhardwaj, Advocate, for the respondents No. 2 to 4.

It was reported on 04.05.2023 that Smt. Banti Devi, proforma respondent No.3 had died. The appellant was granted last opportunity of 4 weeks to file an application for bringing on record the legal representatives of Smt. Banti Devi, however, no application was filed. The statutory period for bringing on record the legal representatives is 90 days, which has already elapsed. Consequences of not bringing on record the LRs lead to abatement. The abatement is automatic and does not require any order from the Court. Hence, the appeal is abated qua Smt. Banti Devi, proforma respondent No.3. The only question, which survives for determination is as to whether the appeal will abate as a whole or in part.

List for consideration on **6th September, 2023**,
on this aspect.

(Rakesh Kainthla)
Judge

August 17, 2023
(ravinder)