

**11.04.2018**

**Present:** Mr. Desh Raj Thakur, Addl. AG with Mr. Rajat Chauhan, Law Officer for the appellants.

Mr. G.S. Rathore, Advocate for respondents No. 1, 2(a) to 2(e), 3 to 5, 7 to 13 and 15 to 18.

Mr. Hamender Singh Chandel, Advocate for the applicant in CMP No. 1550 of 2018.

**CMP No. 1440 of 2018**

By way of this application filed under Order 1, Rule 10 of CPC, the applicant-Municipal Corporation, Shimla has prayed that taking into consideration the fact that during the pendency of the appeal, the area to which the appeal pertains stands merged in Municipal Corporation, Shimla as such, Municipal Corporation, Shimla being necessary party be ordered to be arrayed as appellant. Mr. Chandel has submitted that liability, if any, to compensate the land owners, on account of merger of area in issue with Municipal Corporation, Shimla is now with the said Corporation and therefore, Municipal Corporation is a necessary party for adjudication of the appeal.

Reply to the application stands filed on behalf of the State and it is submitted on behalf of the State that in case application is allowed, the State has no objection. No reply has been filed on behalf of the private respondents and private respondents also have not objected to the application.

In this view of the matter, this application is allowed and Municipal Corporation, Shimla through its Commissioner is ordered to be arrayed as appellant No. 4. The application stands disposed of.

**RFA No. 115 of 2010**

Mr. Hamender Chandel, learned Counsel prays for and is permitted two weeks' time to file amended memo of parties. List thereafter.

**(Ajay Mohan Goel)**  
**Judge**

April 11, 2018  
*(narender)*