

RFA No. 115 of 2010.

14.06.2018 **Present:** Mr. Desh Raj Thakur, Additional Advocate General for the appellants No. 1 to 3.

Mr. Hamender Chandel, Advocate for appellant No. 4.

Mr. G.S. Rathore, Advocate for respondents No. 1, 2(a) to 2(e), 3 to 5, 6(iii), 6(iv), 6(v), 6(xvi) and 6(xvii)

CMP No. 5329 of 2018

By way of this application filed under Order 1, Rule 10 of the Code of Civil Procedure, the appellant/State has made a prayer that Additional Chief Secretary (Urban Development) to the Government of Himachal Pradesh be substituted as appellant No. 2 in place of Secretary, Irrigation and Public Health, taking into consideration the fact that the subject matter with regard to which acquisition proceedings took place, is now under the control and supervision of proposed appellant and with the efflux of time, the same is no more under the control of Secretary, Irrigation and Public Health to the Government of Himachal Pradesh. Learned Additional Advocate General further submits that in fact liability is now to be borne by the proposed appellant and not by Secretary, Irrigation and Public Health.

Learned Counsel for the respondents submit that they have no objection in case this application is allowed.

Accordingly, in view of averments made in the application and taking into consideration the submissions made

by learned Additional Advocate General, this application is allowed to the extent that Additional Chief Secretary (UD) to the Government of Himachal Pradesh is also arrayed as party appellant i.e. appellant No. 4. The application stands disposed of accordingly.

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Amended Memo of parties, as prayed for, be filed within a period of three weeks. In the meanwhile, learned Counsel for the respondents may also file power of attorney on behalf of such respondents qua whom the same has not been filed.

(Ajay Mohan Goel)
Judge

June 14, 2018
(narender)