

Bansi Pal vs. B.K. Aggarwal a/w connected matter

COPC No.11 of 2019 a/w COPC No.10 of 2019

9.04.2024 Present Ms. Reeta Goswami, Senior Advocate with Ms. Komal Chaudhary, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C.Verma, Additional Advocate Generals with Mr. Ravi Chauhan, Deputy Advocate General, for respondent No.1.

Mr. R.K. Gautam, Senior Advocate with Mr. Sahil Dixit, Advocate, for respondent Nos. 2 to 4.

CMP(M) No.302 of 2024 in COPC No.11 of 2019

By way of instant application, prayer has been made on behalf of the applicants-petitioners for their impleadment in place of original petitioner Sh. Bansi Lal, who has expired during the pendency of the present petition. No Reply is intended to be filed on behalf of the non-applicants/respondents.

Bare perusal of the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, reveals that original petitioner Sh. Bansi Lal has expired on 18.01.2024, as is evident from death certificate placed on record and he is survived by his LRs, as detailed in para-2 of the application. Since right to sue survives in their favour, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the persons named in para-2 of the application are ordered to be substituted in place of

deceased petitioner, whose name otherwise is ordered to be deleted from the array of the parties. Registry is directed to carry out necessary correction in the memo of the parties on the basis of the amended memo of parties annexed with the application. The applications stand disposed of.

COPC No.11 of 2019

Since Ms. Komal Chaudhary, Advocate has already filed Power of Attorney on behalf of the newly impleaded petitioners, there is no necessity to issue notice to them.

List on 17.05.2024.

CMP No.4805 of 2024 in COPC No.11 of 2019
CMP No.4807 of 2024 in COPC No.10 of 2019

Vide order dated 5.3.2024, this Court specifically called upon the respondents to comply with order dated 03.01.2024, if not already complied with, on or before the next date of hearing. While passing aforesaid order, this Court specifically observed in the order, as detailed hereinabove, that in case needful is not done, respondents shall remain present in Court.

Mr. R.K. Gautam, learned Senior counsel representing respondent Nos. 2 to 4, states that mandate contained in the order alleged to have been violated stands duly complied with and the details with regard to the same have been given in the reply, but the same is not on record. Reply, if any, filed by the respondents, if in order, be placed on record on or before the next date of hearing. Since, as per the respondents mandate contained in the order alleged

to have been violated, stands complied with, there was no requirement for the respondents to come present in Court as has been stated by learned Senior counsel representing the respondents, however, separate application has been also filed seeking exemption from personal appearance.

It is averred in the application that on account of ongoing Lok Sabha election in State of Rajasthan, it is not possible for the applicant, who happens to be Chief Secretary of State of Rajasthan, to come present in Court. Since, it is not in dispute that Lok Sabha election in the State of Rajasthan is scheduled on 19th and 26th April, 2024, prayer made on behalf of the applicant for exemption from personal appearance deserves to be allowed.

In view of the above, the present applications are allowed and applicant is exempted from personal appearance. Both the applications stand disposed of.

(Sandeep Sharma)
Judge

April 09, 2024
(shankar)