

**State v. Rajesh**

**RFA No. 92 of 2015**

22.2.2022

Present Mr. Sudhir Bhatnagar, Mr. Desh Raj Thakur, Additional Advocates General with Mr. Gaurav Sharma, Deputy Advocate General, for the appellant-State.

Mr. Rupinder Singh Thakur, Advocate, for the respondents.

**CMP(M) Nos. 142 and 143 of 2022**

By way of instant applications filed under Order 22 rule 4 and 9 read with section 151 CPC and S.5 of Limitation Act, respectively, prayer has been made on behalf of applicants for bringing on record legal representative of respondent No.6-Tapender Singh, after condoning delay and setting aside abatement, if any.

Mr. Rupinder Singh Thakur, Advocate, appears and waive notice on behalf of proposed legal representatives as detailed in para-4 of CMP(M) No. 142 of 202. He fairly states that he does not intend to file reply to the applications and he shall have no objection, in case, prayer(s) made in the applications are allowed.

Having carefully perused the averments contained in CMP(M) No. 143 of 2022, this court is convinced and satisfied that the delay in maintaining the application (CMP(M) No. 142 of 2022) for bringing on record legal representatives of respondent No.6, is neither intentional nor willful, rather owing to the lengthy administrative circumstances, as such, delay in filing the CMP(M) No. 142 of 2022, is condoned.

It is quite apparent from the perusal of averments contained in CMP(M) No. 142 of 2022 that respondent No.6-Tapender Singh has expired on 19.5.2021, leaving behind legal representatives as detailed in para-4 of application. Since right to sue survives in favour of the proposed legal representatives, this court finds no impediment in accepting the prayer made in the instant application and accordingly same is allowed.

Abatement if any, is set aside. Persons detailed in para-4 of CMP(M) No. 142 of 2022 are ordered to be substituted in place of respondent No.6 Tapender Singh, whose name is ordered to be deleted from the array of parties. Registry is directed to make necessary corrections to the memo of parties, on the basis of amended memo of parties, annexed with the application.

Both the applications stand allowed and disposed of.

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Since, Mr. Rupinder Singh Thakur, Advocate has put in appearance on behalf of the newly impleaded respondents, as such, there is no need to issue to notice to them.

Since parties stand duly served and pleadings are complete, let the appeal be listed for final hearing on **22.3.2022**.

Records if not called, be called for.

**(Sandeep Sharma)**  
**Judge**

February 22, 2022  
(vikrant)