

RSA No. 423 of 2002

17.3.2021

Present: Mr. N.K Thakur, Sr. Advocate with Mr. Karanveer Singh, Advocate, for the appellants.

Ms. Rinki Kashmiri, Advocate, vice counsel, for respondents No. 1 (a) to 1 (d).

CMP(M) No. 2214 of 2016

During the pendency of the instant appeal before this Court, the sole appellant died on 29.12.2014. Though, some delay has occurred in the institution of the application at hand, however, given the good and sufficient cause, made out in the application aforesaid, for, hence condoning the delay in, the, moving of the application before this Court, for begetting substitution of the deceased sole appellant, hence the delay, if any, as stands occurred, stands condoned. Abatement, if any, stands set aside. Since the substitution of deceased sole appellant by his LRs is imperative for a continuation of the lis, hence the application is allowed subject to all just exceptions. Consequently, the LRs of deceased sole appellant, enumerated in paragraph 3 of the application,

contents whereof stand supported by an affidavit are permitted, subject to all just exceptions, to be substituted in his place. The Registry is directed to carry out necessary corrections in the memo of parties. Amended memo of parties, if not filed, be filed within one week. No notice need be issued to the newly impleaded LRs of deceased sole appellant, as, they already stand represented by Mr. Karanveer Singh, Advocate.

CMP(M) No. 2213 of 2016

During the pendency of the instant appeal before this Court, respondents No. 1,7, 10, 16, 18 and 22 died respectively on 1.2.2012, 2.2.2016, 23.3.2004, 13.11.2004, 19.1.2006 and 14.2.2013. Though, delay has occurred in the institution of the application at hand, however, given the good and sufficient cause made out in the application aforesaid, for, hence condoning the delay in, the, moving of the application before this Court, for begetting substitution of the afore deceased respondents, hence the delay, if any, as stands occurred, stands condoned. Since the substitution

of deceased respondents by their LRs is imperative for a continuation of the lis, hence the application is allowed subject to all just exceptions. Consequently, the LRs of deceased respondents, enumerated in paragraphs No.1 to 7 of the application, contents whereof stand supported by an affidavit are permitted, subject to all just exceptions, to be substituted in their place. The Registry is directed to carry out necessary corrections in the memo of parties. Amended memo of parties, if not filed, be filed within one week. Notice be issued to the newly impleaded LRs of respondents No. 1,7, 10, 16, 18 and 22, subject to steps being taken within one week, returnable within three weeks thereafter.

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List on its own turn.

17th March, 2021
(Priti)

(Sureshwar Thakur),
Judge.