

FAO No. 277/2016

22.07.2021

Present: Mr. Arun Sehgal, Advocate, for the appellant.

Mr. Ajay Sharma, Sr. Advocate with Mr. Amit Jamwal, Advocate, for respondents No. 1 to 3.

Mr. Praneet Gupta, Advocate, for respondent No. 6.

(Through video conferencing).

CMPs(M) No. 285/2021 & 286/2021

The instant applications under Order 22, Rule 3 read with Section 151 CPC and Section 5 of the Limitation Act have been maintained by the applicant for bringing on record the legal representatives of appellant Bidhi Chand, after condoning the delay in filing the application. As per the applicant, the appellant has expired on 27.06.2020 and left behind the legal representatives, as mentioned in para 2 of the application (CMP.M No. 285/2021). However, delay in filing the application (CMP.M No. 286/2021) has occurred, as the applicant was busy in performing the last rites of the deceased. So, the delay is neither intentional nor willful, but was beyond the control of the applicant and deserves to be condoned. The applications are duly supported with the affidavits, as well as the death and legal heirs certificates. No reply to the application has been filed nor intended to be filed.

Heard. After hearing the learned counsel for the applicant and going through the contents of the application (CMP.M No. 286/2021), this Court finds that the delay of 108 days, as occurred in filing the application, is for the sufficient reasons and deserves to be condoned. Ordered accordingly.

As cause to sue still persists in favour of the legal representatives of the deceased, the instant application is allowed and the legal representatives as mentioned in para 2 of the application (CMP.M No. 285/2021) are ordered to be brought on record, after setting aside the abatement, if any. The applications stand disposed of.

CMP No. 4763/2016

Learned counsel for the applicant states that 50% of the award amount, as ordered on 05.07.2016, is whether deposited or not, he has no instructions. He prays for and is granted four weeks' time to take instructions in this regard.

List for consideration on **24th August, 2021**.

(Chander Bhusan Barowalia)
Judge

22nd July, 2021
(raman)