24.11.2023 Present: Mr. Arun Sehgal, Advocate, for the appellant.

Mr. Ajay Sharma, Senior Advocate with Mr. Ajay Thakur, Advocate, for respondents No.1 to 3.

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

Proposed LRs No.4(c)(i) to 4(c)(iii) & 4(e)(i) to 4(e)(ii) already ex-parte.

CMP(M) Nos. 200 & 201/2023 & CMP No.12439/ 2023

The present applications under Order 22, Rule 4 read with Section 151 of the Code of Civil Procedure (CPC), Section 5 of the Limitation Act and under Order 22, Rule 9 of CPC have been filed by the applicant-appellant for bringing on record the legal heirs of deceased respondent No.4(a) Baldev, after condonation of delay and setting aside the abatement.

As per the applicant-appellant, respondent No.4(a) has expired on 29.11.2021 and left behind his legal heirs, as mentioned in para-2 of the application {CMP(M) No.200 of 2023}, who are required to be brought on record. The application is duly supported by the affidavit of the applicant-appellant.

Learned counsel for the non-applicants/ respondents No.1 to 3 and respondent No.6 have submitted that they do not intend to file reply to the

applications and have no objection in case the same are allowed.

Heard. Keeping in view the facts and circumstances of the case and since right to sue survives in favour of the non-applicants, the present applications are allowed and legal heirs of deceased respondent No.4(a), as mentioned in para-2 of the application {CMP(M) No.200 of 2023}, are ordered to be brought on record, after setting aside the abatement, if any.

The applications stand disposed of.

FAO No.277 of 2016

Let notice be issued to the newly added respondents, as mentioned in para-2 of CMP(M) No.200 of 2023, returnable within four weeks, on taking steps within a period of one week. List thereafter.

In the meantime, amended memo. of parties be also filed

(Sushil Kukreja)
Judge

November 24, 2023
(VH)