

Piara & Anr. vs. Dano Devi (Deceased through her LRs Jagdish Ram & Ors)

RSA No. 554 of 2007

28.06.2023 Present:

Mr. Atharv Sharma, Advocate, for the appellants.

Mr. Karan Vir Singh, Advocate, for respondents No. 1(a) to 1(c), 1(d)(i) to 1(d)(iii), 2 to 11 and 14 to 21.

Respondent No.12 is ex-parte.

CMP No. 17172 of 2022

This application has been filed for serving respondent No.13 through substituted mode of service. It has been submitted that respondent No.13 was served in the main appeal on 31.03.2008 on the same address and, thereafter, she was also served in CMP No. 1027 of 2008 for 03.12.2008, but she did not choose to be represented, and therefore, after admission of the appeal, post admission notices were issued to her. Now despite making efforts, she could not be served. It has been prayed that the said respondent may be permitted to be served by way of affixation of the notice on her last known address.

Taking into consideration the aforesaid circumstances, respondent No.13, who was served twice in the appeal and has not chosen to be represented, is permitted to be served by way of affixation of the notice, in case she is not found personally on her last known address.

Application stands disposed of.

RSA No. 554 of 2007

Appropriate steps for the service of respondent No.13 in terms of order passed in CMP No. 17172 of 2022 be

taken within one week. On taking such steps notice returnable within four weeks be issued to the said respondent. Amended memo of parties be filed within two weeks.

CMP.M No. 1076 of 2022

This application has been filed for substitution of deceased respondent No. 1(d) Ramesh Kumar through his legal heir mentioned in para 2 of this application. Application is duly supported by an affidavit. Copy of death certificate of Ramesh Kumar has also been placed on record.

No objection has been communicated for allowing this application by the learned counsel representing the proposed respondents/legal heirs of deceased Ramesh Kumar.

In view of above, respondent No. 1(d) Ramesh Kumar, is permitted to be substituted through his legal heirs namely Smt. Sunita Devi, Sh. Rahul Kumar and Sh. Sahil Kumar as respondents No. 1(d)(i), 1(d)(ii) and 1(d)(iii) respectively after condoning the delay and setting aside abatement, if any.

The application stands disposed of.

(Vivek Singh Thakur)
Judge

28th June, 2023
(himani)