

**Shamsher Singh (deceased) through LRs & Ors. Vs.
Ram Murti & Ors.**

RFA No. 152/2010

15.12.2025 Present: Ms. Tamanna Sharma and Mr. Abhishek,
Advocates, for the appellants.

Mr. Sunil Thakur, Advocate, vice Mr. R.P.
Singh, Advocate, for respondents No.1 & 2.

Respondents No. 4, 6 to 9 are ex parte.

CMP(M) No. 2239/2025

The instant application, under Order 22, Rules 3, 5 & 9, read with Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act, has been filed by the applicant for bringing on record the legal representative of deceased appellant No. 21, Balraj Singh and for condonation of delay in filing the application. The application is duly supported by an affidavit of applicant, Jitender Pal Singh, as well as death certificate of the deceased. No reply to the application is intended to be filed and learned vice counsel for the non-applicants/respondents has no objection in case the same is allowed.

As per the applicant, appellant No. 21 has expired on 13.08.2025 and left behind the legal representative, as mentioned in para-2 of the application. However, the delay in filing the application has occurred, as it took considerable time to obtain death certificate of

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the deceased. Therefore, the delay, as occurred is neither intentional, nor willful, but was beyond the control of the applicant and deserves to be condoned in the interest of justice.

Heard. Taking into consideration the fact that the delay, as occurred, was beyond the control of the applicant and has been sufficiently explained in the application, as such, the same is condoned.

As right to sue still survives in favour of the legal representatives of deceased appellant No. 21, the application is allowed and legal representatives, as mentioned in para-2 of the application are ordered to be brought on record, after setting aside the abatement, if any.

Amended memo of parties, filed alongwith the application is ordered to be taken on record.

The application stands disposed of.

(Sushil Kukreja)
Judge

15th December, 2025
(raman)