



2025:HHC:40363

Pawan Kumar & Ors. Vs. Kesri Lal

CMPMO No. 325 of 2016

02.07.2024 Present: Mr. Adarsh K. Vashista, Advocate, for the petitioners.

Mr. Chander Singh Sharma, Advocate, for respondents No. 1(a) to 1(c).

Mr. Varun Chandel, Additional Advocate General, for respondent No.2.

**CMP(M) Nos. 600 & 601 of 2018 and
CMP No.10042 of 2019**

Applications being CMP(M) No. 600 and 601 of 2018 have been moved under Order 22 Rules 4 and 9 of Code of Civil Procedure and Section 5 of Limitation Act for bringing on record the legal heirs of deceased respondent No.1 and for condoning the delay in moving application to bring on record the legal heirs.

CMP No. 10042 of 2019 has been moved under Section 151 of Code of Civil Procedure for amendment in CMP(M) No.600 of 2018 on the ground that inadvertently the name of the mother of the deceased respondent No.1 could not be mentioned in the application and name of Ms. Reena Kumari was wrongly mentioned in place of Smt. Areena Kumari. The applicant has prayed for amendment in the application to the aforesaid extent.



Respondent No.1 Sh. Kesari Lal is stated to have died on 12.09.2016 and survived by the legal heirs as detailed in para-3 of CMP(M) No. 600 of 2018. It has been submitted in the application that the factum of death of respondent No.1 came to the notice of the applicant on 14.07.2017, when the matter was listed before the Court. For the aforesaid reasons, the delay has occurred in moving the application.

The non-applicant has opposed the applications stating that the delay in moving the application has not been sufficiently explained. However, in view of the fact that respondent No.1 has died during the pendency of the present proceedings, therefore, I am of the view that the explanation given by the applicant is plausible. Hence, CMP(M) No.601 of 2018 is allowed and delay in moving the same is condoned.

For the reasons set-out in the application (CMP No.10042), the same is allowed. Name of Smt. Kalan Devi is ordered to be added in para-3 of CMP(M) No.600 of 2018 and name of Reena Kumari is substituted by Smt. Areena Kumari. Consequently, CMP(M) No.600 of 2018 is also allowed. The legal heirs of deceased respondent No.1, as



2025:HHC:40363

detailed in para-2 of CMP No.10042 after amendment in (CMP(M) No.600 of 2018) are ordered to be brought on record and they shall figure as respondents No. 1 to 6.

The applications stand disposed of in the above terms.

CMP No. 10117 of 2024

The non-applicants do not object to the prayer made in this application. Accordingly, the application is allowed. Name of respondent No.5-Smt. Kalan Devi, is ordered to be deleted from the array of parties as her legal heirs are already on record. The application to stand disposed of.

Amended memo of parties, filed alongwith the application, is taken on record. Registry is directed to carry out necessary correction in the cause title.

Jyotsna Rewal Dua
Judge

July 02, 2024
(R.Atal)