

Shabir Ali Shah vs. Dr. Madan Mohan Marol
RSA No.102 of 2015

06.12.2024 Present: Mr. Karan Sharma, Advocate, for the petitioner, though stated to be dead.

None for the respondents.

CMP(M) No.1736 & 1737 of 2024

By way of these two applications, a prayer has been made to bring on record the legal representatives of deceased sole appellant as also for condonation of delay in filing the application and setting aside abatement.

Learned counsel for the applicant/appellant has submitted that the sole appellant, namely, Sh. Shabir Ali Shah, has died during the pendency of the appeal on 04.10.2023. The present applicants were informed by the counsel about the factum of the applications to be filed to bring them on record. Learned counsel further submits that after the applicants were able to obtain the death certificate as well as other documents, from which, it could be demonstrated that as to who, all were the legal representatives of deceased sole appellant, the application to bring on record the legal representatives of deceased appellant was filed. In these circumstances, he submits that, as the appeal is pending since the year 2015, it would be in the interest of justice, in case, these applications are allowed, the proposed legal representatives of the deceased appellant are brought on record and delay in filing the application is condoned by setting aside abatement.

Despite repeated calls, none has put in appearance on behalf of the non-applicants.

Having heard learned counsel for the applicants and having perused the averments made in the application, as this Court is satisfied that delay in filing the application to bring on record the legal representatives of deceased sole appellant are bona fide and not intentional and further, as it could be in the interest of justice to allow both these applications, therefore, the same are hereby allowed. The proposed legal representatives of deceased sole appellant, whose detailed are given in Para-4 of CMP No.1736 of 2024 are hereby impleaded as appellant No.1(a) to 1(d). Delay in filing the application is condoned and abatement, if any, is set aside.

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Amended memo of parties is taken on record. Mr. Karan Sharma, Advocate, has put in appearance on behalf of the newly added appellants. As prayed for, list for hearing in due course.

(Ajay Mohan Goel)
Judge

December 6, 2024
(*Vinod*)