

Harnam Singh versus Biasan

RSA No.619 of 2007

22.02.2022 Present Mr. K.D.Sood, Senior Advocate with Mr. Het Ram, Advocate, for the appellant.

Mr. N.K.Thakur, Senior Advocate with Mr. Divya Raj Singh, Advocate, for the respondents.

CMP(M) No.40 of 2022

By way of instant application, prayer has been made on behalf of the applicants for bringing on record the LRs of deceased appellant No.1, Sh. Harnam Singh, who has expired on 15.11.2020. No reply is intended to be filed to the instant application on behalf of non-applicants/respondents.

Averments contained in the application as well as documents annexed therewith reveal that appellant No.1, Sh. Harnam Singh has expired on 15.11.2020, leaving behind his LRs, as detailed in para-2 of the application, who have otherwise approached this Court in the instant application, praying therein for their substitution. Since right to sue survives in favour of the persons purposed to be substituted in place of the deceased appellant No.1, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and applicants/persons, as detailed in para-2 of the application, are ordered to be substituted in place of deceased appellant No.1, whose name otherwise ordered to be deleted from the array of the parties. Registry is directed to carry out necessary corrections in the memo of

the parties on the basis of the amended memo of the parties annexed with the application. Since Mr. Het Ram Thakur, Advocate has already filed Power of Attorney on behalf of the newly impleaded appellants, there is no necessity to issue notice to them. The present application stands disposed of.

RSA No.619 of 2007

Since pleadings in the case are complete and parties stands duly represented, let this matter be listed for final hearing in due course. Record of the court below be called for, if not already called.

(Sandeep Sharma)
Judge

22nd February, 2022
(shankar)