

19.3.2016. Present: Mr. K.D. Sood, Senior Advocate with Ms. Divya Sood, Advocate, for appellant No. 2.

Mr. Devinder Sharma, Advocate, vice counsel for the respondent.

CMP(M) No. 518 of 2015

Learned Counsel submits that despite efforts made proposed LRs Vidya Devi and Santosh Devi of deceased appellant No. 1 did not turn-up nor given the power of attorney to be filed on their behalf. She, therefore, has pleaded no instructions on behalf of the proposed LRs. They are accordingly proceeded against *ex-parte* in this application.

Appellant No. 1 Savitri Devi has died on 4.2.2015. The application is supported by the death certificate of deceased appellant. The same has been filed well within the period of limitation. The proposed LRs Vidya Devi and Santosh Devi are sisters of Rattan Singh, the deceased husband of appellant No. 1 Savitri Devi. Sole respondent Neema Devi, being sister-in-law (Devrani/Jaithani) of deceased appellant Savitri Devi, claims herself to be the only legal representative of the deceased on the basis of an unregistered *Will* dated 29.1.2015, which is stated to be pending before the Sub Registrar for registration. In the given situation, when the proposed LRs being sisters of the husband of deceased appellant are required to be brought on record as her legal representatives, of course, subject to their rights and contentions and the rights and contentions of respondent Neema Devi in the *lis*. Therefore, subject to all just exceptions, the proposed LRs named in para-2 of this application are brought on record as appellants

No. 1(a) and 1(b). Necessary correction be made in the cause title of the appeal accordingly. The application is allowed and stands disposed of.

RSA No. 618 of 2007

Amended memo be filed within two weeks. Notice of this appeal to appellants No. 1(a) and 1(b), on filing of process fee within three days, be issued through ordinary as well as registered AD post for **27.4.2016.**

(Dharam Chand Chaudhary),
Judge.

March 19, 2016.
(vs)