

Sh. Chuhan Singh Vs. Sh. Jagdish Chand (deceased) through his LRs.
Sh. Sanjay Kumar and others

RSA No. 202 of 2016

26.05.2022 Present: Mr. B.C. Verma, Advocate, for the appellant.

Mr. Tek Chand, Advocate, vice Mr. Lovneesh Kanwar, Advocate, for respondents No. 1(a) and 1(b).

Ms. Richa Thakur, Advocate, for respondent No. 2.

Respondents No. 3, 4(ii) to 4(iii), 5 to 10, 12 & 14 *ex parte*.

Respondents No. 4(i) & 11 (one and the same person) stated to be dead.

None for respondent No. 4(iv).

CMP(M) No. 709 of 2021

By way of this application filed under Order 22 Rules 4 & 9 of the Code of Civil Procedure read with Section 5 of the Limitation Act, a prayer has been made to bring on record the legal representatives of deceased respondent No. 11-Smt. Sheela Devi, who is stated to have died during the pendency of this appeal on 16.08.2020. Further, prayer has been made for condonation of delay in filing the application and setting aside the abatement.

Proposed legal representatives of deceased respondent No. 11 stand served. As none has put in appearance on their behalf, accordingly, they are ordered to be proceeded against *ex parte*.

Having heard learned counsel for the parties and having perused the averments made in the application, the same is allowed, as prayed for. The proposed legal representatives of deceased respondent No. 11, whose details are given in para-3 of the application, are ordered to be substituted as respondents No. 11(a) to 11(c). The delay in filing the application is condoned and abatement is ordered to be set aside. Registry is directed to carry out necessary corrections in the memo of parties. The application stands disposed of.

CMP No. 2377 of 2022

In view of the order passed in CMP No. 709 of 2021, this application has been rendered *infructuous*. Closed as such.

RSA No. 202 of 2016

Issue notice to the newly added respondents No. 11(a) to 11(c), returnable for 22nd July, 2022. Steps for service be taken within one week.

As per report of the Registry, respondent No. 4(iv) stands served. As none has put in appearance on behalf of respondent No. 4(iv), said respondent is ordered to be proceeded against *ex parte*.

List for consideration on 22nd July, 2022.

(Ajay Mohan Goel)
Judge

May 26, 2022
(bhupender)