

RSA No.197 of 2019

3.1.2020 Present: Mr. Rupinder Singh Thakur, Advocate, for the appellant.

Pursuant to order dated 10.12.2019, Registrar (Judicial) has submitted detailed report, perusal whereof reveals that on 28.6.2019, steps were taken by the learned counsel representing the appellant for the service of the sole respondent and accordingly, notice was issued, returnable on 14.8.2019. On 14.8.2019, notice sent to the sole respondent were received back unserved with the report that said respondent has expired and as such, Additional Registrar (Judicial) on the prayer have been made by learned counsel for the appellant, granted three weeks' time to take appropriate steps for bringing on record the legal representatives of sole respondent, but fact remains that after 14.8.2019 learned counsel for the appellant failed to take steps for bringing on record the legal representatives of deceased sole respondent till passing of order dated 10.12.2019. Even on 10.12.2019, learned counsel for the appellant simply furnished correct address of the sole respondent, enabling the Registry to issue notice to him, but as has been noticed hereinabove, sole respondent has expired and as such, appellant ought to have moved an application for bringing on record the legal representatives of deceased respondent.

Having carefully perused the aforesaid report submitted by the Registrar (Judicial), this Court finds that there was no error/fault, if any, committed by the official of the Registry, rather entire confusion arose on account of non-compliance of order dated 14.8.2019, passed by Additional Registrar (Judicial). In the aforesaid background, learned counsel representing the appellant prays for and is granted four weeks' time to take appropriate steps for bringing on record the legal representatives of sole respondent.

List thereafter.

(Sandeep Sharma)
Judge

3rd January, 2020
(shankar)