

08.09.2021

Present: Ms. Shashi Kiran, Advocate vice, Mr. Rupinder Singh Thakur, Advocate, for the appellant.

Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Garima Kuthiala, Advocate, for respondents No.1(a) to 1(e).

CMP (M)No. 673 of 2021

By way of instant application filed under Order 22 Rule 3 CPC, prayer has been made on behalf of the applicant/appellant for bringing on record the legal representatives of deceased sole appellant, Sh. Tula Ram, who has expired on 07.05.2021, leaving behind his legal representatives, as detailed in para-2 of the application.

Ms. Garima Kuthiala, learned counsel representing the non-applicant/respondent, states that she does not intend to file any reply to the application and shall have no objection, in case prayer made in the application is allowed.

Having perused the averments contained in the application, which are duly supported by an affidavit as well as documents annexed therewith, this Court finds that sole appellant, Sh. Tula Ram, has expired on 07.05.2021, leaving behind his legal representatives, as mentioned in para-2 of the application. Since, right to sue survives in favour of the legal representatives of deceased sole appellant, Sh. Tula Ram, as detailed in para-2 of the application, this Court sees no impediment in accepting the application and accordingly, the same is allowed. Persons, as detailed in para-2 of the application, are ordered to be substituted in place of deceased

sole appellant, Sh. Tula Ram, whose name is otherwise ordered to be deleted from the array of the parties. Registry to carry out necessary correction in the memo of parties on the basis of amended memo of parties to be filed by learned counsel representing the appellant, within a period of 10 days. Application stands disposed of.

CMP No. 10511 of 2021

For the reasons stated in the application, the same is allowed and requirement of filing the typed/translated copies of the documents in issue, is dispensed with.

RSA No.197 of 2019

Since, Mr. Rupinder Singh Thakur, Advocate, has definite instructions to appear on behalf of newly impleaded applicants/appellants, there is no necessity to issue notice. However, Mr. Rupinder Singh Thakur, may file Power of Attorney on behalf of newly impleaded applicants/appellants, if not already filed.

(Sandeep Sharma)
Judge

8th September, 2021
(reena)