

LAC vs. Lt. Col. LHM Gregory & others

RFA No. 264 of 2011

07.04.2022 Present: Ms. Rameeta Rahi, Additional Advocate General, for the appellant.

Respondent No.1 Lt.Col.LHM Gregory is stated to have expired and the Registrar (Judicial) High Court of HP has been appointed as Administrator General to represent the estate of respondent No.1 vide order dated 25.9.2018 passed in CMP No. 9064 of 2018.

Mr. Shashi Shirshoo, Central Government Counsel, for respondent No.2.

Respondents No. 3, 5 and 6 were proceeded ex parte vide orders dated 15.3.2019 and 28.5.2019.

Mr. Paras Ram, Advocate, vice Mr. B.R. Kashyap, Advocate for respondents No. 4(a) to 4(e) and 4(g) to 4(j).

Respondents No. 4(f) and 4(k) have expired.

CMP(M) Nos. 367 and 369 of 2022

These applications have been filed for substitution of deceased respondent No. 4(f) Lakshmi Devi, who has expired on 27.6.2011, leaving behind her legal heirs, mentioned in para 6 of CMP(M) No. 367 of 2022. It has been submitted on behalf of appellant that there is no other legal heirs of deceased respondent Lakshmi Devi except the legal heirs mentioned in para 6 of application.

Death certificate as well as legal heirs certificate issued by Patwari and counter signed by Sub Divisional Magistrate-cum-Collector, Shimla (Urban) have been placed on record.

No objection has been communicated for allowing the applications.

In view of above, deceased respondent No. 4(f) Lakshmi Devi is permitted to be substituted through her legal heirs mentioned in para 6 of application CMP(M) No. 367 of 2022 as respondents No. 4(f)i) to 4(f)(iv) respectively after condonation of delay and setting aside the abatement, if any.

Applications stand disposed of.

CMP No. 3781 of 2022

This application has been filed for deletion of name of deceased respondent No.4(k) from the array of parties on the ground that her legal heirs are already on record as respondents No. 4(a) to 4(j) respectively. It is further stated that there is no other legal heir except aforesaid legal heirs.

Death certificate issued by Patwari and counter signed by Sub Divisional Magistrate-cum-Collector, Shimla (Urban), indicating that respondent No 4(k) Malti Devi has expired on 26.12.2017, has been placed on record along with legal heirs certificate issued by Patwari concerned duly counter signed by Sub Divisional Magistrate-cum-Collector, Shimla (Urban).

In view of above, the name of deceased respondent No. 4(k) Malti Devi is ordered to be deleted.

Application stands disposed of.

RFA No. 264 of 2011

Record be requisitioned. List for consideration after four weeks.

April 07, 2022
(ms)

(Vivek Singh Thakur)
Judge