

LAC, HPPWD and others vs. Sunita and others

RFA No.298 of 2019

12.09.2025 Present: Mr. B.N. Sharma, Additional Advocate General, for the appellants/State.

Mr. Rakesh Kumar Thakur, Advocate, for respondents No.1, 2, 3(i) to 3(iv) and 4 to 7.

Ms. Pratiksha Chauhan, Advocate, for respondents No.3(v), 5(a), 6(a) to 6(e), 6(g).

CMP(M) No.1629 & 1630 of 2025

Learned counsel appearing on behalf of the proposed legal heirs submits that no reply is intended to be filed to the present applications on behalf of the said legal representatives. The other non-applicants also do not intend to file reply to the applications. The non-applicants have no objection, if in case, the applications are allowed and the legal heirs of deceased respondent No.5 are brought on record as is being sought in the application (CMP(M) No.1629 of 2025).

Respondent No.5 is stated to have expired on 07.03.2024. The same is evident from the Death Certificate appended along with application (CMP(M) No.1629 of 2025) as Annexure-A-1. The Legal Heirs depicted in Paragraph-4 of the application (CMP(M) No.1629 of 2025) are strictly in consonance with the affidavit filed by one of the legal heirs before the Executive Magistrate appended along-with the application as Annexure-A-2.

Since the right to sue inheres/survives with the legal heirs of deceased respondent No.5, detailed in Paragraph-4 of the

application (CMP(M) No.1629 of 2025), therefore, they are ordered to be brought on record.

One of the legal heir namely, Smt. Lila is already on record as respondent No.3(v). The name of respondent No.3(v) in view thereof is ordered to be deleted and she is ordered to be arrayed as respondent No.5(d).

For the *bona fide* reasons stated/sufficient cause shown in the application (CMP(M) No.1630 of 2025), delay in bringing on the legal heirs of deceased respondent No.5, is condoned and abatement, if any, is set aside.

The applications stand disposed of. Fresh amended memo of parties be filed within four weeks.

CMP(M) No.1631 & 1632 of 2025

Learned counsel appearing on behalf of the proposed legal heirs submits that no reply is intended to be filed to the present applications on behalf of the said legal representatives. The other non-applicants also do not intend to file reply to the applications. The non-applicants have no objection, if in case, the applications are allowed and the legal heirs of deceased respondent No.6 are brought on record as is being sought in the application (CMP(M) No.1631 of 2025).

Respondent No.6 is stated to have expired on 16.05.2025. The same is evident from the Death Certificate appended along with application (CMP(M) No.1631 of 2025) as Annexure-A-1. The Legal Heirs depicted in Paragraph-4 of the application (CMP(M) No.1631 of 2025) are strictly in consonance with the

Legal Heir Certificate issued by concerned revenue authorities appended along-with the application as Annexure- A-2.

Since the right to sue inheres/survives with the legal heirs of deceased respondent No.6, detailed in Paragraph-4 of the application (CMP(M) No.1631 of 2025), therefore, they are ordered to be brought on record.

For the *bona fide* reasons stated/sufficient cause shown in the application (CMP(M) No.1632 of 2025), delay in bringing on the legal heirs of deceased respondent No.6, is condoned and abatement, if any, is set aside.

The applications stand disposed of. Amended memo of parties filed along-with present applications is taken on record.

RFA No.298 of 2019

Insofar as newly added respondents No.5(a), 5(d) [previously respondent No.3(v)], 6(a) to 6(e) and 6(g) are concerned, Ms. Pratiksha Chauhan, learned counsel, has put in appearance. Let power of attorney on their behalf, as prayed, be filed within four weeks.

Insofar as newly added respondents No.5(b), 5(c), 6(f) are concerned, on taking steps within three days, notice be issued to them, returnable within four weeks.

September 12, 2025 (KS)

**(Bipin C. Negi)
Judge**