

***Kamal Dev Vs. Durga Dass & Another.***

**Civil Revision No. 98 of 2016**

**27.5.2025**

**Present:** Mr.Munish Dhatwalia, Advocate, for the petitioner.

Mr.Anshul Jairath, Advocate, vice Mr.Onkar Jairath, Advocate, for respondents No. 2(a) to 2(g).

This Revision Petition has been preferred against order dated 31.3.2016 passed by Executing Court, i.e. Civil Judge (Junior Division), Badsar, District Hamirpur, H.P. In the memo of parties of the impugned order, Kamal Dev is petitioner, whereas respondent No. 1 Durga Dass has been reflected as deleted vide order dated 13.12.2014. Respondent No. 2 is Pritam Singh.

At the time of filing present Revision Petition, name of Durga Singh is also reflected as respondent No. 1, despite the fact that his name already stands deleted by Executing Court on 13.12.2014 and present Revision Petition has been filed In June, 2016.

In the aforesaid facts, a dead person i.e. Durga Singh, whose name had already been deleted by the Executing Court before passing the impugned order should not have been arrayed as party-respondent No. 1. It has been noticed that Registry is invariably insisting for arraying either a deleted or dead person during the pendency of matter before the Courts below, before filing the appeal/Revision/petition in this

High Court, resultantly deleted and dead persons are being reflected as party in the memo of parties of the petition/Revision or appeal preferred in this High Court. Registrar (Judicial) is directed to issue necessary instructions to the concerned Branch to ensure that no person dead or deleted before the Court below is arrayed as party in the memo of parties.

In the aforesaid circumstances, name of respondent No. 1 Durga Dass deserves to be deleted from the memo of parties of present Revision Petition. Ordered accordingly. Learned counsel for the petitioner is directed to file fresh correct memo of parties and Pritam Singh has to be reflected as respondent No. 1, but now he has also expired, therefore, his legal heirs be reflected as respondents No. 1(a) to 1(f) in the memo of parties.

Learned counsel for the respondents seeks adjourned to have complete instructions on behalf of respondents. Therefore, as prayed, matter is adjourned for consideration on **16<sup>th</sup> July, 2025**.

**(Vivek Singh Thakur),  
Judge.**

**27<sup>th</sup> May, 2025**  
(Keshav)