

Mangtu & Anr. Vs. Des Raj & Ors.

RSA No.386 of 2011

17.09.2024

Present: Mr. Atharv Sharma, Advocate for the appellants.

Ms. Vandana, Advocate, vice Mr. Sanjay Jaswal, Advocate for respondents No.1 to 3.

Mr. Surya Chauhan, Advocate, vice Mr. T.S. Chauhan, Advocate for respondent No.4.

CMP No.7613 of 2024

By way of the present application, under Order XXII Rule 10A, read with Section 151 of CPC, the factum of death of appellant No.2, respondents No.4 and 5 has been sought to be brought on record.

As per application, during the pendency of the appeal, appellant No.2-Birju has expired on 17.02.2016, whereas, respondent No.4 has expired in the year 2016 and respondent No.5 has expired about 2 months prior to the date of moving this application.

Considering the factual position, as mentioned in the application, the application is allowed. The factum regarding the death of appellant No.2, respondents No.4 and 5 is ordered to be taken on record.

Application is disposed of, accordingly.

CMP(M) No.1320 of 2024

By way of the present composite application, under Order XXII, Rule 3(9) of CPC read with Section 5 of the Limitation Act, a prayer has been made to bring on record LRs of appellant No.2-Birju @Brij Lal, who, as

per application, has expired on 17.02.2016, leaving behind his LRs, whose names have been mentioned in para No.1 of the application. The said application has been moved by one of the LRs of Sh. Birju @Brij Lal and Power of Attorney, on behalf of all other LRs, is stated to have been filed.

In view of the no objection, made by learned counsel for the non-applicants, the application, under consideration, is allowed and LRs of appellant No.2 are ordered to be brought on record as appellant No.2(a) to 2(f).

Application is disposed of accordingly.

RSA No.386 of 2011

Let, steps for bringing on record LRs of respondents No.4 and 5 be taken, within a period of four weeks, from today.

Meanwhile, amended memo of parties be also filed.

List after six weeks.

September 17, 2024

(Gaurav Thakur)

(Virender Singh)
Judge