

RSA No. 678 of 2012-F.

31.08.2016 Present: Mr. O.P. Negi, Advocate, vice counsel, for the appellant.

Ms. Megha Kapoor Gautam, Advocate, vice counsel for respondents No. 1, 3, 6 to 8, 10 & 11.

CMP(M) No. 11235 of 2013

The present application is maintained by the applicant/appellant under Section 5 of the Limitation Act, for condoning the delay in filing the appeal. As per the applicants, the delay of eight months and fourteen days in filing the appeal has occurred, as he was not aware of the factum of death of deceased respondent No. 9, Shri Chattar Singh. Applicant came to know about this fact only when he received information from his counsel that legal heirs of respondent No. 9 have to be brought on record, as he has died. The application is duly supported with an affidavit. No reply to the application has been filed nor intended to be filed.

Heard. Taking into consideration the reasons stated hereinabove, the application is allowed and the delay of eight months and fourteen days, in filing the appeal is condoned. The application stands disposed of

CMP(M) No. 11234 of 2013

The present application is maintained by the applicant/appellant, under Order 22, Rule 4 read with Section 151 CPC for bringing on record the legal heirs of deceased Sh. Chatter Singh, i.e. respondent No. 9. As per applicant, when the notice was issued to respondents No. 9, it has come on record that respondent No. 9 had died on 03.07.2012 and has left behind the legal heirs, as mentioned in

para 2 of the application. No reply to the application filed nor intended to be filed. The application is duly supported with an affidavit.

Heard. Taking into consideration the fact that cause to sue still persists against the legal heirs of respondent No.9, so the abatement, if any, is set aside and the legal heirs of respondent No. 9, as mentioned in para 2 of the application are ordered to be brought on record. The application stands disposed of.

CMP(M) No. 11237 of 2013

The present application is maintained by the applicant/appellant under Section 5 of the Limitation Act, for condoning the delay in filing the application, under Order 22, Rule 4, read with Section 151 CPC. As per the applicants, the delay of one year, three months and six days in filing the application has occurred, as it has come to his notice that respondent No. 4 had died during the pendency of appeal before the learned First Appellate Court, but the legal representatives of respondent No. 4 could not be brought on record. It is further submitted that applicant remained under the impression that the legal heirs of deceased, respondent No. 4 are not required to be brought on record, as the deceased died during the pendency of the appeal. Applicant came to know about this fact only when he received information from his counsel that legal heirs of respondent No. 4 have to be brought on record. The application is duly supported with an affidavit. No reply to the application has been filed nor intended to be filed.

Heard. Taking into consideration the reasons stated hereinabove, the application is allowed and the delay of one year,

three months and six days in filing the appeal is condoned. The application stands disposed of

CMP(M) No. 11236 of 2013

The present application is maintained by the applicant/appellant, under Order 22, Rule 4 read with Section 151 CPC, for bringing on record the legal heirs of deceased Sh. Ganga Ram, i.e. respondent No. 4. As per applicant, when notice was issued to respondents No. 4, the fact that he has died on 11.12.2010, during the pendency of the appeal before the First Appellate Court and he has left behind the legal heirs as mentioned in para 2 of the application, came on record. No reply to the application filed nor intended to be filed. The application is duly supported with an affidavit.

Heard. Taking into consideration the above reasons and the fact that cause to sue still persists against the legal heirs of respondent No.4, so the abatement, if any, is set aside and the legal heirs of respondent No. 4, as mentioned in para 2 of the application are ordered to be brought on record. The application stands disposed of.

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Amended memo of parties be filed within four weeks. Registry to reflect this order in the memo of parties to the appeal in red ink. List thereafter for admission.

(Chander Bhusan Barowalia)
Judge

31st August, 2016
(raman)

