

Rajbir Kumar vs. Garibo Devi

CWP No. 8393 of 2010

20.12.2022 Present: Mr. Vaibhav Kanwar, Advocate vice Mr. Karan Singh Kanwar, Advocate for the petitioner.

Mr. Ajit Pal Singh Jaswal, Advocate vice Mr. Janesh Gupta, Advocate for respondents No.1(a) to 1(c).

Respondents No. 2 to 9, 11 and 12 are ex-parte.

Respondents No. 10(a) and 10(d) are stated to have expired.

None for respondents No. 10(b), 10(c) and 10(e).

Ms. Seema Sharma, Deputy Advocate General, for respondent No.13.

CMP Nos. 17351 and 17352 of 2022

These applications have been filed on account of death of respondent No.10(a) Vidya Devi wife of Basant Ram and respondent No.10(d) Mohan son of Basant Ram.

No objection has been communicated for allowing these applications by appearing respondents.

Deceased respondents were legal heirs of deceased Basant Ram and they were brought on record along with other legal heirs on account of death of Basant Ram.

Four sons of Vidya Devi are already on record as respondents No.10(b) to 10(e) and out of them, respondent No.10(d) has expired and for his substitution, CMP No. 17352 of 2022 has been filed. Legal heir/deceased respondent No.10(d) Mohan is also legal heir of deceased respondent No.10(a) Vidya Devi.

Deceased respondent No.10(d) Mohan is permitted to be substituted through his legal heirs namely Sapna Devi (wife), Nishant (s) and Sumit (minor son through his mother Sapna Devi) by arraying these legal heirs as respondents No.10(d)(i), 10(d)(ii) and 10(d)(iii) respectively.

Legal heirs of deceased respondent No. 10(a) Vidya Devi are on record as respondents No. 10(b), 10(c), 10(d)(i) to 10(d)(iii) and 10(e) respectively. Therefore, her name is ordered to be deleted by reflecting that her legal heirs are already on record.

Applications are allowed and disposed of in aforesaid terms.

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Notices issued to respondents No. 10(b), 10(c) and 10(e) have been received back unserved due to incorrect addresses. Fresh steps for service of respondents No. 10(b), 10(c), 10(e) as well as steps for service of newly added respondents No. 10(d)(i) to 10(d)(iii) be taken within one week.

On taking such steps, notices returnable within four weeks be issued to these respondents.

December 20, 2022
(ms)

(Vivek Singh Thakur)
Judge