

***Major Gamdharb Singh vs. Dharam Pal Singh***

***RSA No. 383 of 2016***

**05.06.2025 Present:** Mr. Karan Singh Kanwar, Advocate for the proposed appellant/legal heir of deceased appellant.

***CMP(M) No. 865 of 2025***

This application has been filed by Pushpa Rana, wife of deceased appellant Major Gandharb Singh Rana, for her substitution as appellant in place of deceased appellant. Copy of death certificate has been placed on record indicating that appellant has died on 15.8.2019. It has been submitted that after 15.11.2016 the appeal was listed in Court on 6.1.2025 and at that time, learned counsel for respondent had informed that sole respondent had expired.

After receiving this information, learned counsel for appellant tried to contact the appellant to take appropriate steps on account of death of respondent. During this exercise, in the month of April, 2025, it transpired that appellant has also expired. Whereupon, present applicant was contacted by learned counsel for appellant and in aforesaid circumstances, the application for substitution of appellant has been filed.

It has been further stated that applicant Pushpa Rana is only surviving legal heir of Major Gandharb Singh Rana. To substantiate the claim, copy of Will dated 13.3.2000 has also been filed along with English translation thereof wherein it has been stated that deceased and applicant were blessed by four daughters namely Aarti, Pooja, Lakshmi, Priya Darshni and out of whom, three daughters have

been married and are living in their in-laws home(s) and enjoying happy and prosperous life and marriage of fourth daughter was going to take place after some time and therefore, deceased appellant executed this Will in favour of his wife i.e. applicant Pushpa Rana.

In aforesaid facts and circumstances, subject to all just and legal exceptions, for the purpose of continuation of present appeal, without adjudicating inter-se claim of rights between legal heirs of deceased Major Gandharav Singh Rana, applicant Pushpa Rana is permitted to be substituted in place of deceased Major Gandharav Singh Rana as appellant No.1(a) after condonation of delay and setting aside the abatement, if any.

Application is allowed and disposed of.

**CMP(M) No. 864 of 2025**

Notices to the proposed respondents/legal heirs of deceased respondent Dharam Pal, mentioned in para 2 of application, returnable on next date, be issued, on taking steps within two days.

List on ***14<sup>th</sup> July, 2025.***

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Amended memo of parties, in view of order passed in CMP(M) No. 865 of 2025, be filed within one week.

**June 05, 2025**  
**(ms)**

**(Vivek Singh Thakur)**  
**Judge**