

**Shriram General Insurance Company Ltd. Vs.
Promila Devi & Ors. Alongwith connected matters.**

**FAO No. 468/2015
a/w FAOs No. 79 & 214/2016**

21.06.2024 Present: Mr. Munish Kumar, Advocate, vice Mr. Jagdish Thakur, Advocate, for the appellant(s), in all the appeals.

Mr. H.C. Sharma, Advocate, for respondents No. 1 to 5 in FAO No. 468/2015 and respondents No. 1 to 3 in FAOs No. 79 & 214/2016.

Mr. Raman Sethi, Advocate, for the proposed legal representatives of deceased respondent No. 6 in FAO No. 468/2015 and deceased respondent No. 4 in FAO No. 79/2016 & FAO No. 214/2016.

CMPs(M) No. 117 & 118/2023 in FAO No. 468/2015

The instant applications, under Order 22, Rules 4 & 9, read with Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act, have been filed by the applicant for bringing on record the legal representatives of deceased respondent No. 6, Mohan Lal and for condonation of delay in filing the application. As per the applicant, respondent No. 6 has expired on 14.03.2019 and left behind the legal representatives, as mentioned in para-3 of the application. However, the delay in filing the application has occurred, as the applicant was not aware about the death of respondent No. 6 and it was only on 08.07.2022, when application for release of

amount was listed before this Court, it came to know about the death of respondent No. 6 and thereafter, requisite steps for bringing on record his legal representatives were taken. Therefore, the delay, as occurred is neither intentional, nor willful, but was beyond the control of the applicant. The applications are duly supported with the affidavit of the applicant, as well as death certificate of the deceased.

No reply to the applications is intended to be filed on behalf of the non-applicants and they have no objection in case the same are allowed.

Heard. Taking into consideration the fact that the delay, as occurred, was beyond the control of the applicant and has been sufficiently explained in the application (CMP. M No. 118/2024), as such, the same is condoned.

As right to sue still survives in favour of the legal representatives of deceased respondent No. 6, the application is allowed and legal representatives, as mentioned in para-3 of the application (CMP. M No. 117/2024), are ordered to be brought on record, after setting aside the abatement, if any.

The applications stand disposed of.

CMPs(M) No. 119 & 120/2023 in FAO No. 79/2015

The instant applications, under Order 22, Rules 4 & 9, read with Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act, have been filed by the applicant for bringing on record the legal representatives of deceased respondent No. 4, Mohan Lal and for condonation of delay in filing the application. As per the applicant, respondent No. 4 has expired on 14.03.2019 and left behind the legal representatives, as mentioned in para-3 of the application. However, the delay in filing the application has occurred, as the applicant was not aware about the death of respondent No. 4 and it was only on 08.07.2022, when application for release of amount was listed before this Court, it came to know about the death of respondent No. 4 and thereafter, requisite steps for bringing on record his legal representatives were taken. Therefore, the delay, as occurred is neither intentional, nor willful, but was beyond the control of the applicant. The applications are duly supported with the affidavit of the applicant, as well as death certificate of the deceased.

No reply to the applications is intended to be filed on behalf of the non-applicants and they have no objection in case the same are allowed.

Heard. Taking into consideration the fact that the delay, as occurred, was beyond the control of the applicant and has been sufficiently explained in the application (CMP. M No. 120/2024), as such, the same is condoned.

As right to sue still survives in favour of the legal representatives of deceased respondent No. 4, the application is allowed and legal representatives, as mentioned in para-3 of the application (CMP. M No. 119/2024), are ordered to be brought on record, after setting aside the abatement, if any.

The applications stand disposed of.

CMPs(M) No. 121 & 122/2023 in FAO No. 214/2015

The instant applications, under Order 22, Rules 4 & 9, read with Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act, have been filed by the applicant for bringing on record the legal representatives of deceased respondent No. 4, Mohan Lal and for condonation of delay in filing the application. As per the applicant, respondent No. 4 has expired on 14.03.2019 and left behind the legal representatives, as mentioned in para-3 of the application. However, the delay in filing the application has occurred, as the applicant was not aware about the death of respondent No. 4 and it was

only on 08.07.2022, when application for release of amount was listed before this Court, it came to know about the death of respondent No. 4 and thereafter, requisite steps for bringing on record his legal representatives were taken. Therefore, the delay, as occurred is neither intentional, nor willful, but was beyond the control of the applicant. The applications are duly supported with the affidavit of the applicant, as well as death certificate of the deceased.

No reply to the applications is intended to be filed on behalf of the non-applicants and they have no objection in case the same are allowed.

Heard. Taking into consideration the fact that the delay, as occurred, was beyond the control of the applicant and has been sufficiently explained in the application (CMP. M No. 122/2024), as such, the same is condoned.

As right to sue still survives in favour of the legal representatives of deceased respondent No. 4, the application is allowed and legal representatives, as mentioned in para-3 of the application (CMP. M No. 121/2024), are ordered to be brought on record, after setting aside the abatement, if any.

The applications stand disposed of.

FAO No. 468/2015 a/w FAOs No. 79 & 214/2016

Amended memo of parties filed alongwith the applications are ordered to be taken on record.

**(Sushil Kukreja)
Judge**

21st June, 2024
(raman)