

Sneh Lata (deceased) through LRs vs. Brij Bala & others

RSA No. 136 of 2020

26.12.2022 Present: Mr.Rajesh Kumar, Advocate, for the appellants.

Mr.Y.P. Sood, Advocate, for respondents No.1, 4 to 7 and proposed respondent 2(d).

None for proposed respondents No.2(a) and 2(b).

Mr.Maan Singh, Advocate, for respondents NO.3(i) to 3(iii).

CMP(M) Nos.1077 of 2022 & 1078 of 2022

Proposed respondents No.2(a) and 2(b) stand duly served, but there is no representation on their behalf. Notice issued to proposed respondent No.2(c) has been received back with report that being handicapped proposed respondent No.2(c) is not able to walk and her mother has refused to receive the same on behalf of proposed respondent No.2(c). It is pertinent to notice that mother of proposed respondent No.2(c) is also one of the proposed respondents as respondent No.2(a) and she has been duly served.

In aforesaid facts and circumstances, all respondents stand duly served, but there is no representation on their behalf. Hence, they are proceeded *ex parte*.

Mr.Y.P. Sood, learned counsel, has put in appearance on behalf of proposed respondent No.2(d), with permission to file Power of Attorney on her behalf well before next date of hearing.

These applications have been filed for substitution of deceased respondent No.2 Surinder Mohan through his legal heirs mentioned in para-3 of CMP(M) No.1077 of 2022 after condonation of delay in filing the said application.

In reply filed on behalf of respondents No.1, 4 to 7, these applications have been opposed.

Taking into consideration aforesaid facts and circumstances stated in the application and the fact that other co-sharers are already on record, deceased respondent No.2 is permitted to be substituted through his legal heirs Reva Sharma (wife), Rachit Sharma (son), Nimisha Sharma and Achita Sharma (daughters) as respondents No.2(a) to 2(d) respectively, after condonation of delay and setting aside abatement, if any.

Applications are allowed and disposed of in aforesaid terms.

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Amended memo of parties filed with aforesaid applications be taken on record at appropriate place.

Fresh notice to newly added respondents No.2(a) to 2(c), returnable within four weeks, on taking steps within five days, be issued with direction that in case there is refusal to receive the summon, the same be served by way of affixation.

Mr.Y.P. Sood, Advocate, appears, waives and accepts service of notice on behalf of respondent No.2(d).

(Vivek Singh Thakur)
Judge

December 26, 2022
(Purohit)