

**Ramesh Kumar and others vs. Mohan Singh and others**

**RSA No.146 of 2021**

18.07.2024 Present: Mr. R.K. Bawa, Senior Advocate with Mr. Ajay Kumar Sharma, Advocate, for the appellants, except deceased appellant No.2.

Mr. Kashmir Singh Thakur, Advocate, for respondents No.1, 2, 4 to 9 and 17.

Respondent No.3 is stated to have expired.

Respondents No.10 to 16 are *ex parte* vide order dated 01.04.2022.

**CMP(M) No.1399/2023**

No reply is intended to be filed on behalf of the non-applicants.

From a perusal of the application, it is evident that appellant No.2-Smt. Geeta Devi, wife of late Shri Munsri Ram had died on 04.05.2023. The same is evident from the Death Certificate appended *along-with* the present application. The said deceased appellant No.2 is survived by the legal representatives, details whereof, have been given in Paragraph-3 of the application.

Since the right to sue inheres/survives with the legal heirs of appellant No.2, they have a right to carry on with the present appeal. In the case at hand, the legal representatives of deceased appellant No.2, are already on record, as appellants No.1, 3 to 5. Accordingly, the application is allowed. Name of deceased appellant No.2-Geeta Devi is ordered to be deleted from the array of the respondents, as her legal representatives are already on record. The application stands disposed of.

Amended memo of parties filed with the application is ordered to be taken on record at its appropriate place.

**July 18, 2024** (KS)

**( Bipin C. Negi )  
Judge**