

**Karam Chand and Ors. Vs. Basanti
(deceased) through LRs and Ors.**

RSANo.98 of 2025

29.10.2025 Present: Mr. Vivek Thakur, Advocate, for the appellants.

Mr. Tarun Brakta, Advocate, vice Mr. Atharv Sharma, Advocate, for respondents No.1(a), 1(c), 1(d), 4 and 6.

Respondents No.1(b), 3, 5, 7 to 11 proceeded against ex parte vide order dated 08.07.2025.

Respondent No.2 is stated to have expired.

CMP(M) No.1372 of 2025

No reply is intended to be filed on behalf of the non-applicants. Non-applicants have no objection, if in case the present application is allowed and the legal heirs of deceased respondent No.2 are ordered to be brought on record.

Other than the aforesaid, proposed legal heirs of deceased respondent No.2 are duly served. However, none has put in appearance on their behalf, therefore, they are proceeded against ex parte.

Respondent No.2 is stated to have died on 19.04.2025. The same is evident from the death certificate appended along with the present application. The details of legal heirs are given in para 3 of the application. The right to sue survives in the said legal heirs of deceased respondent No.2.

Since the right to sue survives in the said legal heirs and the fact that the application is well within

limitation, the present application is allowed and the legal heirs of deceased respondent No.2, are ordered to be brought on record.

Amended memo of parties filed along with the application placed at the end of the file is ordered to be taken on record, if in order. Application stands disposed of

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On taking steps within three days, issue notice to the newly arrayed respondents i.e. respondents No.2(a) and 2(b), returnable within four weeks. List thereafter

(Bipin C. Negi)
Judge

29th October, 2025
(Gaurav Rawat)