

Dalip Kumar Vs. Dwarku

RSA No. 550 of 2015

27.03.2025 **Present:** Mr. Shekhar Badola, Advocate, vice counsel, for the applicant/appellant.

Mr. Vikas Rathore, Advocate, for the respondent

CMP(M) No. 1439 of 2024

By way of this composite application filed by the applicant/appellant, a prayer has been made to bring on record the legal representative of deceased respondent after condonation of delay and setting aside of abatement.

The deceased respondent is stated to have died on 28.09.2021. As per applicant/appellant, she is now survived by Smt. Pinki Devi, W/o late Sh. Dalip Singh. Though, there is no averment made in the application showing relationship of the proposed legal representative with the deceased nor is there any document to support such contention, however, since this fact has not been denied by the respondent/proposed legal representative, it is taken on record.

The reason for delay as described in the application is that the deceased respondent had left the village for quite long and her whereabouts were not known and for such reason, the applicant/appellant was not available to find the necessary particulars of her legal representative.

A reply has been filed on behalf of the proposed legal representative and the fact that deceased respondent had left the village has not been denied.

Thus, this Court finds that the applicant/appellant has been able to explain the reasons for delay. Accordingly, the application is allowed. The legal representative of deceased respondent i.e. Smt. Pinki Devi, W/o late Sh. Dalip Singh, is ordered to be brought on record as respondent in the appeal. Amended memo of parties be filed. Application stands disposed of.

RSA No. 550 of 2015.

List on **15.05.2025.**

**(Satyen Vaidya)
Judge**

27th March, 2025
(sushma)