

Lakshmi Singh & anr. Vs. Rakesh Sharma & ors

FAO No. 123 of 2013

20.7.2023

Present: Mr. Piyush Agnihotri, Advocate vice Mr. H.C.Sharma, Advocate, for the appellants.

Mr. Abhinav Thakur, Advocate vice Mr. Anuj Gupta and Mr. Sambhav Bhasin, Advocate, for respondents No. 1 & 2 and 3.

CMP(M)s No. 834 and 835 of 2023

By way of present applications, filed under Order 22 Rule 3 read with Section 151 of the CPC and Section 5 of the Limitation Act, the applicant has sought indulgence of this Court to be impleaded as appellant in this case, in place of Shri Lakshmi Singh, who as per the application, expired on 14.2.2023.

In the application, it has been averred that deceased Lakshmi Chand has left behind the LRs, namely Virender Singh (son) and Uma Devi (wife).

In order to substantiate his claim, the applicant has relied upon the legal heir certificate issued by the competent authority on 20.3.2023. The application has duly been supported by an affidavit.

Considering the fact that the present lis pertains to the claim petition, filed under the Motor Vehicles Act, which is a beneficial piece of legislation, the application under Order 22 Rule 3 read with Section 151 CPC is allowed, after condoning the delay, since the present application has been filed after the prescribed period of limitation.

In view of no objection made by learned counsel appearing for the non-applicant, the application is allowed and the applicant is ordered to be impleaded as appellant No.1. Uma Devi, wife of deceased Lakshmi Sigh is already on record, as appellant No.2. . The amended memo of parties is filed and the same be taken on record. The applications are, thus, disposed of.

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List on 31.8.2023.

(Virender Singh)
Judge

July 20, 2023
(kalpana)
