

HPSFDC Vs. NIA & Ors. a/w connected matter

FAO No.62 of 2023 a/w
FAO No.75 of 2024

FAO No.62 of 2023

15.10.2024 Present: Mr. Vijay K. Arora, Advocate, for the appellant.

Mr. Ishan Sharma, Advocate, for respondent No.1.

Mr. Sunil Mohan Goel, Advocate, for respondent No.4.

Mr. Loveneesh Singh Thakur, Advocate, for respondent No.5.

Respondents No.3 and 6 ex-parte.

Mr. Naveen K. Bhardwaj, Advocate, for proposed legal representatives of deceased respondent No.2.

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Mr. Ishan Sharma, Advocate, for the appellant.

Mr. Naveen K. Bhardwaj, Advocate, for respondent No.2 and for proposed legal representatives of deceased respondent No.1.

Mr. Sunil Mohan Goel, Advocate, for respondent No.3.

Mr. Loveneesh Singh Thakur, Advocate, for respondent No.4.

Mr. Vijay K. Arora, Advocate, for respondent No.6.

CMP(M) No.1549 of 2024 in FAO No.62 of 2023

This application has been moved under Order 22 Rules 4, 9 & 11 read with Section 151 of the Civil Procedure Code for bringing on record legal representatives of deceased respondent No.2 and also under Section 5 of the Limitation Act for condoning the delay in moving the application.

2. Respondent No.2 is stated to have died on 25.01.2023. His death certificate has been placed on record. In terms of the averments made in the application, the deceased had left behind the legal representatives as detailed in para 1 of the application.

The applicant has cogently explained the delay in moving the application. The application and the prayers made therein are not opposed by the learned counsel appearing for the legal heirs of deceased respondent No.2. Learned counsel appearing for the other non-applicants/ respondents also have no objection for allowing the application.

3. In view of the above, the application is allowed. Delay in moving the application for bringing on record the legal representatives of deceased respondent No.2 is condoned. Abatement, if any, is set aside. Legal representatives of deceased respondent No.2, detailed in para 1 of the application, are ordered to be brought on record as respondents No.2(i) to 2(xi). Amended memo of parties stands filed, which is taken on record. Registry is directed to carry out necessary corrections in the cause title.

The application stands disposed of.

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4. Mr. Naveen K. Bhardwaj, learned counsel submits that he would be filing Power of Attorney on behalf of newly impleaded respondents No.2(i) to 2(xi) within two weeks.

CMP(M) No.977 of 2024 in FAO No.75 of 2024

5. This application has been moved under Order 22 Rules 4, 9 & 11 read with Section 151 of the Civil Procedure Code for bringing on record legal representatives of deceased respondent No.1 and also under Section 5 of the Limitation Act for condoning the delay in moving the application.

6. Respondent No.1 is stated to have died on 25.01.2023. His death certificate has been placed on record. In terms of the averments made in the application, the deceased had left behind the legal representatives as detailed in para 1 of the application.

The applicant has cogently explained the delay in moving the application. The application and the prayers made therein are not opposed by the learned counsel appearing for the legal heirs of deceased respondent No.1. Learned counsel appearing for the other non-applicants/ respondents also have no objection for allowing the application.

7. In view of the above, the application is allowed. Delay in moving the application for bringing on record the

legal representatives of deceased respondent No.1 is condoned. Abatement, if any, is set aside. Legal representatives of deceased respondent No.1, detailed in para 1 of the application, are ordered to be brought on record as respondents No.1(i) to 1(xi). Amended memo of parties be filed within two weeks. Registry is directed to carry out necessary corrections in the cause title.

The application stands disposed of.

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8. Mr. Naveen K. Bhardwaj, learned counsel submits that he would be filing Power of Attorney on behalf of newly impleaded respondents No.1(i) to 1(xi) during the course of the day.

The appeals stand already admitted.

October 15, 2024
Mukesh

Jyotsna Rewal Dua
Judge