

Maya Ram vs. Lajjya Devi (deceased) through LRs

RSA No.305 of 2022

03.11.2022 Present: Mr. G.R. Palsra, Advocate, for the appellant.

RSA No. 305 of 2022

Notice to respondents No.1(a) to 1(d), 2, 3, 4, 18 and 31, returnable on 28.12.2022, on taking steps within three days, be issued.

Other respondents have not chosen to contest the suit as well as appeal. Therefore, service of those respondents is dispensed with in view of an amendment applicable to Delhi, Himachal Pradesh, Punjab and Haryana High Courts, wherein there is addition to sub rule (3) of Rule 14 of Order 41 Code of Civil Procedure (CPC), which reads as under:-

“Delhi, Himachal Pradesh and Punjab, Haryana and Chandigarh.—(i) Add the following as sub-rule (3):

“(3) it shall be in the discretion of the appellate court to make an order, at any stage of the appeal whether on the application of any party or on its own motion, dispensing with service of such notice on any respondent who did not appear, either at the hearing in the court whose decree is complained of, or at any proceedings subsequent to the decree of that court, or on the legal representatives of any such respondent:

Provided that—

(a) That court may require notice of the appeal to be published in any newspaper or in such other manner as it may direct:

(b) No such order shall preclude any such respondent or legal representative from appearing to contest the appeal.””

CMP No.15229 of 2022

Notice in the aforesaid terms.

Till next date of hearing, parties are directed to maintain status quo qua nature, possession and title of the suit property.

CMP No.15232 of 2022

Applicant-appellant is exempted from filing certified copy of judgment and decree dated 31.08.2017, passed by Senior Civil Judge Mandi, District Mandi, H.P., at this stage, subject to filing the same within four weeks from today.

Application is allowed and disposed of.

Appellant is permitted to produce/use copy of this order, downloaded from the web-page of the High Court of Himachal Pradesh, before the Courts below/authorities concerned, and the said Courts/authorities shall not insist for production of a certified copy but if required, may verify passing of order from Website of the High Court.

(Vivek Singh Thakur)
Judge

November 3, 2022
(Purohit)