

RSA No. 267 of 2020

10.8.2021 Present Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Garima Kuthiala, Advocate, for the appellants.

Mr. R.K. Bawa, Senior Advocate with Mr. Ajay Kumar Sharma, Advocate, for the respondent.

CMP(M) No. 165 of 2021

By way of instant application filed under Order XXII, rule 3 CPC, prayer has been made on behalf of applicants/appellants, for bringing on record legal representatives of appellant No.5, Naresh Kumari, who has expired on 1.2.2021, leaving behind legal representatives as detailed in para 2 of the application.

No reply is intended to be filed on behalf of non-applicant/respondent.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, this court finds that appellant No.5, Naresh Kumari, has expired on 1.2.2021 leaving behind legal representatives as detailed in para 2 of application. Since right to sue survives in favour of persons sought to be brought on record, there appears to be no impediment in accepting the prayer made in the present application and same is allowed.. Persons detailed in para 2 of the application are ordered to be brought on record and substituted in place of appellant No.5, whose name is otherwise ordered to be deleted from the array of parties. Registry to make necessary corrections in the memo of parties, on the basis of amended memo of parties filed with the application. Application stands disposed of.

Since Ms. Garima Kuthiala, Advocate has filed power of attorney on behalf newly impleaded appellants, there is no need to issue notices to the aforesaid appellants.

CMP No. 12588 of 2020

By way of instant application filed under Order XXXIX rules 1 and 2 CPC, prayer has been made on behalf of applicants/appellants to restrain the non-applicant/respondent from interfering in the ownership of the applicant over the suit land and property during the pendency of the appeal.

Reply to the application stands filed.

Having heard Learned Counsel appearing for the parties and perused the pleadings, this court is convinced and satisfied that no prejudice would be caused to either of the parties, if they are directed to maintain status quo qua nature and possession of the suit property, till the final adjudication of the appeal.

Consequently, order dated 26.11.2020 is made absolute. Application stands disposed of. Alteration /modification on motion.

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List for admission alongwith RSA No. 266 of 2020, Civil Revision No. 175 of 2018 and CMP(M) No. 1368 of 2017, as prayed for by learned counsel for the appellant.

(Sandeep Sharma)
Judge

August 10, 2021
(vikrant)