

Veena Devi Vs. Durga Singh & Ors.

RSA No.320 of 2022

23.12.2024

Present: Mr. Sanket Sankhyan, Advocate for the appellant.

Mr. Somesh Raj, Advocate for respondents No.1 to 3.

Respondent No.4 is stated to have expired.

None for respondents No.5 to 8.

CMPs(M) No.1361 and 1362 of 2023

By way of application [CMP(M) No.1362 of 2023], filed, under Order XXII Rules 4 and 9, read with Section 151 of CPC, indulgence of this Court has been sought to bring on record the LRs of respondent No.4- Archana Guleria, who, as per application, has expired on 07.09.2022, leaving behind her LRs, whose names have been mentioned in para No.3 of the application.

Since, the said application has been moved after the prescribed period of limitation, as such, an application [CMP(M) No.1361 of 2023], under Section 5 of the Limitation Act, has also been moved, for condoning the delay, in filing the application for bringing on record LRs of respondent No.4.

Notices of the applications were issued to the proposed LRs of respondent No.4, who despite publication of the notices, have not opted to put appearance or to contest the applications.

In view of the no objection, made by learned counsel, appearing for respondents No.1 to 3, both

applications are allowed. LRs of respondent No.4 are ordered to be brought on record as respondents No.4(a) and 4(b), by condoning the delay, as well as, setting aside the abatement, if any.

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Let, notices of the appeal be issued to respondents No.4(a) and 4(b), returnable within eight weeks, on taking steps, within a period of seven days, from today.

Meanwhile, amended memo of parties be also filed.

December 23, 2024
(*Gaurav Thakur*)

(Virender Singh)
Judge