

State of H.P. & ors Vs. Khyali Ram & ors

RFA No. 236 of 2015

27.9.2023

Present: Mr. Tejasvi Sharma and Mr. Mohinder Zharaiick, Addl. AGs, for the appellants/applicants.

Mr. Harsh, Advocate vice Mr. Manoj Pathak, Advocate, for respondents No. 1 to 6.

CMP(M) Nos. 1277 and 1278 of 2023

By way of present applications, filed under Order 22 Rule 4 & 9 read with Section 151 of the CPC and Section 5 of the Limitation Act, the applicant has prayed that legal representatives of deceased respondent No. 2, Late Sh. Shyam Lal, who as per averments contained in the application, expired on 13.6.2017, be ordered to be brought on record, 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 applications are allowed and the legal representatives of deceased respondent No. 2, whose names have been mentioned in para-5 of the application, are ordered to be brought on record, as respondents No. 2(a) to 2(d), by setting aside the abatement, if any. The applications are, thus, disposed of.

CMP(M) Nos. 1279 and 1280 of 2023

By way of present applications, filed under Order 22 Rule 4 & 9 read with Section 151 of the CPC and Section 5 of the Limitation Act, the applicant has prayed that legal representatives of deceased respondent No. 3,

Late Sh. Shaunk Ram, who as per averments contained in the application, expired on 16.11.2016, be ordered to be brought on record, 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 applications are allowed and the legal representatives of deceased respondent No. 3, whose names have been mentioned in para-5 of the application, are ordered to be brought on record, as respondents No. 3(a) to 3(f), by setting aside the abatement, if any. The applications are, thus, disposed of.

CMP(M) Nos. 1281 and 1282 of 2023

By way of present applications, filed under Order 22 Rule 4 & 9 read with Section 151 of the CPC and Section 5 of the Limitation Act, the applicant has prayed that legal representatives of deceased respondent No. 4, Late Sh. Anand Lal, who as per averments contained in the application, expired on 16.11.2019, be ordered to be brought on record, 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 applications are allowed and the legal representatives of deceased respondent No. 4, whose names have been mentioned in para-4 of the application, are ordered to be brought on

record, as respondents No. 4(a) to 4(d), by setting aside the abatement, if any. The applications are, thus, disposed of.

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Notices be issued to the newly added respondents, on steps being taken within a week, returnable for 6.12.2023. Amended memo of parties be filed, in the meanwhile.

(Virender Singh)
Judge

September 27, 2023
(kalpana)