

Sewa Singh and Others vs. Gurdev Kaur and others

RFA No. 36 of 2024.

04.09.2025 Present: Mr. Sanket Sankhyan, Advocate, for the appellants.

Mr. Dixit Sahotra, Advocate, for respondents No. 1, 2(i) to 2(vi), 4 and 5.

Sh. Pankaj Chaudhari, Advocate for LRs No. 3(a) to 3(c).

Mr. Anirudh Sharma, Advocate, for respondents No. 6(i) to 6(vi), 6(viii) and 6(x).

Mr. B.N. Sharma, Mr. Diwakar Dev Sharma and Mr. R.K. Negi, Additional Advocates General with Mr. R.P. Singh and Mr. Manish Thakur, Dy. Advocates General, for respondent No. 7/State.

RFA No. 36 of 2024

Further time prayed for bringing on record legal heirs of deceased respondent No. 6(vii). Let the needful be done within four weeks. List thereafter.

CMP(M) Nos. 908 and 909 of 2025

Notices issued to proposed legal heirs No. 3(a) to 3(c) have been received back after validly served. Mr. Pankaj Chaudhri, Advocate, has put in appearance on their behalf and filed memo of appearance for today.

No reply is intended to be filed on behalf of non-applicants and the legal heirs of deceased respondent No. 3. Respondent No. 3 is stated to have died on 22.06.2009. The same is evident from the death certificate appended along with CMP(M) 908 of 2025. Details of legal heirs have been given in para No. 3 of CMP(M) 908 of 2025.

Since the right to sue inheres/survives in the legal heirs of deceased respondent No. 3, detailed in Para No. 3 of the application (CMP(M) No. 908 of 2025), therefore, they are ordered to be brought on record.

For the sufficient cause shown in CMP(M) No. 909 of 2025, delay in bringing on record the legal heirs of deceased respondent No. 3 is condoned. Abatement, if any, is set aside. The present applications are allowed and the proposed legal heirs are ordered to be brought on record as respondents No. 3(a) to 3(c). Amended memo of parties be filed within four weeks. In the meanwhile, power of attorney on behalf of newly added respondents No. 3(a) to 3(c) be also filed. Applications stand disposed of.

CMP 21376 of 2025

The present application has become infructuous, in view of the fact that the legal heirs of deceased respondent No. 3, have been brought on record vide separate order passed in CMP(M) Nos. 908 and 909 of 2025.

(Bipin C. Negi)
Judge

September 04, 2025.
(Susheel)