

**Bajal Allianz General Insurance Co. Ltd. Vs. Gulab Devi Gopen (deceased) through LRs & Ors.**

**CMP No. 14252/2026 & CMPs (M) No. 948 & 949/2026 in FAO No. 359/2010**

19.06.2026

Present: None for the non-applicant/appellant.

Mr. Raman Sethi, Advocate, for the applicants/respondents.

**CMP No. 14252/2026**

For the reasons stated in the application, the same is allowed and delay in re-filing the application is condoned.

The application stands disposed of.

**CMPs (M) No. 948 & 949/2026**

The instant applications, under Order 22, Rule 4, read with Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act, have been filed by the applicant for bringing on record the legal representatives of deceased respondent No. 2, Daleep Singh Gopen and for condonation of delay in filing the application. The application is duly supported by an affidavit of the applicant, death certificate of the deceased as well as legal heirs certificate.

As per the applicant, respondent No. 2 has expired on 08.09.2020 and left behind the legal representatives, as mentioned in para-2 of the application (CMP.M No. 948/2026). However, the delay in filing the

application has occurred, as the applicant, being rustic village lady, was not aware of the intricacies of law and did not disclose factum of death of respondent No. 2. Therefore, the delay, as occurred is neither intentional, nor willful, but was beyond the control of the applicant and deserves to be condoned in the interest of justice.

Heard. Taking into consideration the fact that the delay, as occurred, was beyond the control of the applicant and has been sufficiently explained in the application, as such, the same is condoned.

As right to sue still survives in favour of the legal representatives of deceased respondent No. 2, the application is allowed and legal representative, as mentioned in para-2 of the application (CMP.M No. 948/2026), except legal representatives No. 2(i) & 2(ii), who are already on record as respondents No. 1 & 3, is ordered to be brought on record.

The applications stand disposed of.

**( Sushil Kukreja )**  
**Judge**

**19<sup>th</sup> June, 2026**  
(raman)