

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

CSA No. 29/2013  
CM No. 7387/2020  
CM No. 1967/2021  
IA No. 29/2013  
IA No. 1/2017  
In CSA No. 28/2013  
IA No. 28/2013  
CM No. 1968/2021

Dharam Shalla Suthrian

...Applicant/Appellant(s)

Through:- Mr. U.K. Jalali, Sr. Advocate with  
Mr. Anuj Sawhney, Advocate.

v/s

Joginder Gupta and others

...Respondent(s)

Through:- Mr. Sunny Mahajan, Advocate.

**Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE**

**ORDER**

**CM No. 1967/2021**

1. This order shall disposed of the instant application filed by the appellant wherein a direction is sought for directing the respondents to place on record the Death Certificate and information of the legal heirs of respondent No.2.
2. The application is filed on the premise that vide order dated 25.11.2020, the contesting respondents in the appeal were directed by this

Court to place on record the Death Certificate of the deceased respondent No. 2, namely, Anil Kumar Gupta.

3. It is being stated in the application that furnishing of the Death Certificate of the deceased alone would not satisfy the mandate of Order 22 Rule 10 -A but the contesting respondents are also required to furnish the details of legal heirs/ legal representatives of the deceased in order to enable the appellant to file an application for bringing on record the legal heirs/legal representatives of the said deceased respondent No. 2.

4. Heard learned counsel for the parties.

5. Mr. Jalali, learned Sr. Advocate, appearing for the applicant made his submissions in line with the averments made in the application. Learned counsel for the respondents resisted and controverted the contentions raised by Mr. Jalali.

6. Before proceeding to deal with the application in hand certain facts being relevant and germane here to need to be noticed.

7. Perusal of the record of proceeding in the appeal reveals that on 29.04.2017, when the matter came up for consideration before this Court, counsel for the respondents reported the death of respondent No. 2 in presence of the counsel for the appellant- applicant herein, who sought and was granted a week's time to lay a motion for bringing on record the legal representatives of the deceased respondent No. 2.

8. Perusal of the record of the proceedings further reveals that ever since the passing of the order dated 29.04.2017 (supra) the appellant -applicant herein has neither taken any steps for bringing on record the legal representatives nor has sought any details of the legal representatives of

deceased from the learned counsel for the respondents till the filing of the instant application.

9. It is only through the medium instant application that the appellants for the first time sought the information/details about the legal heirs of the respondent No. 2.

10. Perusal of the application in hand do not demonstrates as to what prevented the appellant/applicant right from 29.04.2017 till the filing of the instant application from seeking such information from the respondents.

11. In terms of Order 22 Rule 10-A CPC the only duty cast upon the pleader appearing for the party is to inform the Court about the death of the party whereupon the Court is required to give notice of such death to the other party. The said provision is only directory and enabling one so that the parties could take necessary measures in this regard. The provision does not contemplate that the particulars/details of the legal heirs/representatives of the deceased also have to be intimated and provided to the other side.

12. As has been noticed above the requirements envisaged under Order 22 Rule 10-A stands complied with by the counsel for the respondents while reporting the death of the deceased respondent to the Court on 29.04.2017 in presence of the counsel for the appellant/applicant herein who indisputably had sought time to lay a motion for bringing on record the legal representatives of deceased respondent No.2.

13. Having regard to the aforesaid facts and position obtaining in the matter, instant application merits dismissal and is, accordingly, dismissed.

14. It is however, made clear that nothing hereinabove shall be construed to be an expression of any opinion about the issue of bringing on record the

legal representatives/legal heirs of respondent No. 2 by the applicant herein,  
in the appeal.

List the main appeal on 29.04.2021.

**(JAVED IQBAL WANI)**  
**JUDGE**

Jammu  
17.03.2021  
Renu

