

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

CFA No. 30/2009
CM Nos. 4011/2022, 4012/2022,
4208/2022, 4209/2022, 7570/2022,
4724/2023, 2119/2022, 2001/2022 &
6455/2022
IA Nos. 45/2014 & 49/2009
c/w
MA No. 276/2009
CM Nos. 3297/2022, 3298/2022 &
7569/2022
IA No. 392/2009

Reeta Samyal and ors.

.....Appellant(s)/Petitioner(s)

Through: Mr. S. H. Rather, Advocate

Vs

Swarna Devi and ors.

..... Respondent(s)

Through: Mr. Vinod Kotwal, Advocate
Mr. Pranav Sharma, Advocate

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
26.09.2023

1. By this common order, two applications i.e. CM No. 2119/2022 for bringing on record the legal representatives of deceased respondent Nos. 1 3 and 9 and CM No. 7570/2022 for bringing on record the legal representatives of deceased respondent No. 4, are proposed to be disposed of.
2. Heard and considered.
3. It appears that on 28.12.2021, learned counsel for the respondents informed the Court that respondent Nos. 1 and 3 have expired. Thereafter, the appellants have made an application for bringing on record the legal

representatives of deceased respondent Nos. 1 and 3, as also for bringing on record legal heirs of deceased respondent No. 9, who had died in the meantime. It also appears that the aforementioned respondents have died a long back but according to the appellants, they came to know about their death only when the learned counsel for the respondents informed the Court on 28.12.2021. The appellants have filed the application for bringing on record the legal representatives of deceased respondent Nos. 1, 3 and 9 on 25.03.2022. In view of the directions issued by the Supreme Court in the case In Re:- Cognizance for Extension of Limitation, the period from 15.03.2020 upto 28.02.2022 has been excluded while computing the period of limitation, as such, the application has been filed by the appellants, within the prescribed period of limitation.

4. So far as the application for bringing on record the legal representatives of deceased respondent No. 4 is concerned, the same has also been filed within time as the death of respondent No. 4 has taken place on 23.09.2022 and the application has been filed on 15.12.2022.
5. There is no dispute between the parties as regards the fact that the proposed legal representatives represent the estate of the deceased respondents. In fact Smt. Shilpa Guleria, the proposed legal representative of deceased respondent No. 9 as also Smt. Ambika Singh, the proposed legal representative of deceased respondent No. 1, have filed separate applications for impleading them as respondents in place of deceased respondent Nos. 9 and 1 respectively.

6. In view of the above, the applications bearing CM Nos. 2119/2022 and 7570/2022 are allowed and the legal representatives of deceased respondent Nos. 1, 3, 4 and 9, particulars whereof have been given in the aforesaid applications, are impleaded as respondents in place of deceased respondent Nos. 1, 3, 4 and 9. The amended memo of the parties shall be filed by the appellants.
7. Mr. Vinod Kotwal, Advocate has already filed Vakalatnama on behalf of the legal representatives, namely, Shilpa Guleria and Ambika Singh. The other legal representatives, who have impleaded as respondents are directed to be summoned, subject to the appellants' taking necessary steps within a week's time.
8. The aforesaid applications along with CM Nos. 4011/2022, 4012/2022, 4209/2022, 4208/2022 and 6455/2022 stand disposed of.
9. List this matter for consideration on 06.11.2023.
10. Interim directions in the main appeal shall remain in operation till the next date of hearing.

(SANJAY DHAR)
JUDGE

Jammu
26.09.2023
Neha-II