

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

CFA No.30/2009
CM Nos.4011/2022,
4012/2022, 4208/2022,
4209/2022, 2119/2022
IA Nos.45/2014 & 49/2009
in
MA No.276/2009
CM Nos.3297/2022 &
3298/2022
IA No.392/2009

Reeta Samyal and ors.

....Petitioner/Appellant(s)

Through :- Mr. Aniruddh Sharma, Advocate vice
Mr. Rahul Pant, Sr. Advocate.

V/s

Swarna Devi and ors.

....Respondent(s)

Through :- Mr. Vinod Kotwal, Advocate for R-2, 4, 6 and
7.
Mr. Pranav Sharma, Advocate for R-5.
R-8- ex-parte.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
20.10.2022

In the civil suit out of which the present civil first appeal is being maintained before this Court, the respondent nos. 1 to 7 were the plaintiffs whereas the appellants' mother-Sita Devi was defendant no.1 co-joined by proforma respondent no.9 herein and respondent no.10.

During the pendency of the present civil first appeal, the respondent no.1 Smt. Swarna Devi came to demise on 06.10.2018 and the proforma respondent no.9 Mrs. Kamla came to demise on 04.03.2021. With respect to the death of respondent no.3 Smt. Nirmala Devi, her date of death is not found on record.

For the purpose of bringing on record the legal representatives of the above referred respondents, the appellants herein have come forward with CM no.2119/2022 to which respondent no.5 has submitted her objections. After the application no.2119/2022 so filed by the appellants, the legal representatives of deceased-respondent no.1 and deceased-respondent no.9 came forward to seek their impleadment in place of the deceased respondents and for this purpose, application no.4209/2022 accompanied with condonation of delay application no.4208/2022 for impleadment of legal representations of respondent no.1 has been filed and with respect to respondent no.9, CM no.4012/2022 accompanied with condonation of delay application no.4011/2022 has been filed.

In view of the fact that the date of death of respondent No.3 is not known to either of the parties appearing in the case, as such, it becomes essential to seek confirmation with respect to the date of death of respondent no.3 Smt. Nirmala Devi and, as such, learned counsel for the appellant is directed to get the confirmation of date of death of respondent No.3. Let the needful be done within a period of 15 days.

List on 10.11.2022.

(Rahul Bharti)
Judge

JAMMU
20.10.2022
Eva