

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

**MA No. 84/2019  
CM No. 2219/2022, 2220/2022**

Dharam Pal Sethi .....Appellant(s)/Petitioner(s)

Through: Mr. Anil Sethi, Advocate.

**vs**

Sham Lal Sethi ..... Respondent(s)

Through: Mr. Anil K Verma, Advocate for R- 3 and 4.

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

**ORDER**

**26.02.2024**

1. By this common order two applications bearing CM No. 2219/2022 and 2220/2022, one seeking condonation of delay in filing an application for bringing on record legal heirs of deceased appellant, namely, Dharam Pal Sethi and other for bringing on record legal representatives of the aforesaid appellant are proposed to be disposed of.
2. Heard and considered.
3. According to the applicant, appellant-Dharam Pal Sethi has passed away on 26.05.2020. A copy of death certificate of the appellant has been placed on record to substantiate this fact. The instant application has been made by the applicant on 29.03.2022.
4. In view of the directions passed by the Hon'ble Supreme Court in **Suo Motu Writ Petition (C) No. 3 of 2020**, the period with effect from 26.05.2020 to 28.02.2022 is required to be excluded while computing period of limitation.

5. In view of this, the present application made by the applicants is within time. The application for condonation of delay is disposed of accordingly.
6. Applicant has submitted that the appellant-Dharma Pal Sethi has left behind two sons, namely, Sunil Sethi and Anil Sethi as his only legal heirs. The application is supported by affidavit of the applicant.
7. In view of the above and having regard to the fact that cause of action survives upon the legal heirs of the appellant, the application is allowed and Sh. Sunil Sethi S/O Dharam Pal Sethi and Sh. Anil Sethi S/O Dharam Pal Sethi both residents of H. No. 3369/9, Nanak Nagar, Jammu are substituted as appellants in place of deceased appellant, namely, Dharam Pal Sethi.
8. The application stands **disposed of**.
9. Learned counsel for the appellants is directed to file updated memo of parties.
10. List the main appeal for further proceedings on 22.04.2024.

**(SANJAY DHAR)**  
**JUDGE**

**Jammu**  
26.02.2024  
*Sahil Padha*