

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Criminal Revision Petition No. 413/2004

Bhanwar Singh

-----Petitioner

Versus

State And Anr

-----Respondent

For Petitioner(s) : Mr. Jhamak Nagda
For Respondent(s) : Mr. M.S. Bhati, PP
Mr. J. Gehlot (on VC)

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

21/03/2022

In wake of instant surge in COVID-19 cases and spread of its highly infectious Omicron variant, abundant caution is being maintained, while hearing the matters in Court, for the safety of all concerned.

The matter comes up on an application (IA No.01/2021) for substitution of the applicant in place of deceased Bhopal Singh.

Learned counsel for the petitioner has referred to Section 145 (7) of the Cr.P.C. which reads as follows:-

“145. Procedure where dispute concerning land or water is likely to cause breach of peace.

(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.”

Learned counsel for the respondent opposes on the ground of delay as well as on the ground of dismissal of application under Order 1 Rule 10 CPC in a civil dispute preferred by the present applicant.

This Court, looking into the peculiar facts and circumstances and the expansionist legislation of Section 145 (7) Cr.P.C., is inclined to allow the application.

The application is thus, allowed.

The amended cause title be filed within a week from today.

(DR.PUSHPENDRA SINGH BHATI),J.

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