

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 287/2019

Laxman Devnani S/o Late Kotumal

----Appellant

Versus

Khoobchand Kirnani S/o Late Shri Chetandas Kirnani

----Respondent

For Appellant(s)	:	Mr. Sanjay Gangwar
For Respondent(s)	:	Mr. J P Goyal, Sr. Adv. with Ms. Meenal Bhargava

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

30/01/2024

Heard on application under Order 22 Rule 3 and Order 22 Rule 4 CPC.

On death of appellant Laxman Devnani on 11.07.2023 an application is filed on 05.10.2023 for taking legal heirs on record.

Considered the same.

Right to sue survives in favour of legal heirs and application is filed within time, therefore same is allowed and legal heirs as proposed in the application are taken on record and substituted in place of deceased appellant.

Another application under order 22 Rule 4 CPC be filed on death of respondent No. 1 Khoobchand Kirnani by learned counsel for respondent on the ground that respondent No. 1 Khoobchand died leaving behind four legal heirs as described in the application but out of four LRs, remaining three legal heirs relinquished their rights in favour of Harish Kirnani therefore Harish Kirnani be replaced as legal heir and substituted in place of deceased.

Considered the submissions.

Learned counsel for appellant has no objection therefore application is allowed. Harish Kirnani is substituted in place of deceased respondent No. 1.

Learned counsel for the appellant is directed to file corrected amended cause title within a period of three days.

Office is directed to reflect name of Mr. Sanjay Gangwar as counsel for the appellant.

List on 29.02.2024.

(ASHOK KUMAR JAIN),J