

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 41/2002

Mst Kalawati

----Appellant

Versus

Madan Lal

----Respondent

Connected With

S.B. Civil First Appeal No. 71/2002

Madan Lal

----Appellant

Versus

Mst Kalawati And Ors

----Respondent

For Appellant(s) : Mr. Rohan Agarwal, Adv.

For Respondent(s) : Mr. Shubham Sharma, Adv.

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

17/08/2023

S.B. Civil First Appeal No. 41/2002:-

Matter comes up on an application (I.A. No.1/2019) under Order 22 Rule 2 CPC for deleting the name of appellant No.1-Kalawati from the cause title.

Learned counsel for the appellant submits that the appellant No.1-Kalawati has expired on 05.06.2019 and her legal representatives are already on record. Hence, the name may be deleted.

Application is allowed for the reasons stated therein and name of appellant No.1-Kalawati is deleted from the array of the appellants.

Matter comes up on an application No.32583/2019 filed by the appellants under Order 22 Rule 4 and 9 CPC for taking LRs of deceased proforma respondent Nos.9-Raja and 10-Bai on record for condonation of delay and for setting aside the abatement.

Application is allowed for the reasons mentioned therein and delay in filing the application is condoned, the legal representatives of the deceased proforma respondent Nos.9-Raja and 10-Bai as described in Para No.2 of the application is taken on record and abatement, if any, stands set aside. Amended cause title which is filed with the application is taken on record.

S.B. Civil First Appeal No. 71/2002:-

Matter comes up on an application No.22996/2016 filed by the appellant under Order 22 Rule 3 read with Section 151 CPC for taking legal representatives of deceased appellant No.1-Madan lal on record. Along with the said application, an application No.22997/2016 has also been filed under Section 5 of the Limitation Act for condonation of delay and for setting aside the abatement.

For the reasons stated in the applications, the same are allowed. Delay in filing the application is condoned; the legal heirs of deceased appellant No.1-Madan lal as described in the application are taken on record and the abatement, if any, is set aside.

An application No.23001/2016 filed by the appellant under Order 22 Rule 4 read with Section 151 CPC for taking legal

representatives of deceased respondent No.7-Deepa on record. Along with the said application, an application No.23000/2016 has also been filed under Section 5 of the Limitation Act for condonation of delay and for setting aside the abatement.

For the reasons stated in the applications, the same are allowed. Delay in filing the application is condoned; the legal heirs of deceased respondent No.7-Deepa as described in the application are taken on record and the abatement, if any, is set aside.

Another application No.23005/2016 filed by the appellant under Order 22 Rule 3 read with Section 151 CPC for taking legal representatives of deceased appellant No.2/2-Prabhu Dayal on record. Along with the said application, an application No.23004/2016 has also been filed under Section 5 of the Limitation Act for condonation of delay and for setting aside the abatement.

For the reasons stated in the applications, the same are allowed. Delay in filing the application is condoned; the legal heirs of deceased appellant No.2/2-Prabhu Dayal as described in the application are taken on record and the abatement, if any, is set aside.

An application No.23003/2016 filed by the appellant under Order 22 Rule 3 read with Section 151 CPC for taking legal representatives of deceased appellant No.3-Pooran Mal on record.

For the reasons stated in the applications, the same are

allowed. the legal heirs of deceased appellant No.3-Pooran Mal as described in the application are taken on record.

Learned counsel for the appellant is directed to file an amended cause title.

(NARENDRA SINGH DHADDHA),J

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