

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Second Appeal No. 390/2019

Neeraj Kumar Mathur S/o Late Shri Mahesh Chand & Anr.

----Appellants

Versus

Shyamswaroop Mathur S/o Sundar Lal Mathur & Anr.

----Respondents

For Appellant(s) : Mr. J K Moolchandani

For Respondent(s) : Mr. Mohit Khandelwal

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

03/03/2022

An application under Order 22 Rule 4 CPC for taking on record legal representatives of deceased-respondent No.2-Smt. Kamla Mathur has been filed.

Respondent No.1 filed reply to the application contending therein that respondent No.2 happens to be his mother and respondent No.2 had executed a will dated 03.08.2017 in his favour, therefore, he is the only legal representative to contest the present second appeal. Thus, there is no requirement to implead other natural heirs of deceased-respondent No.2.

Counsel for appellants has no objection, if respondent No.1 is treated as legal representative of deceased-respondent No.2 on the basis of her will. Accordingly, application under Order 22 Rule 4 CPC filed by appellant is disposed of. Respondent No.1 be treated as legal representative of deceased-respondent No.2 to contest this second appeal and other natural heirs named in application are not required to be taken on record at the risk and consequences of respondent No.1.

Appellant may submit correct amended cause title within a period of two weeks.

(SUDESH BANSAL),J