

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

S.B. Civil Second Appeal No. 439/2011

Meraj And Others

----Appellants

Versus

Manna Lal And Others

----Respondents

Connected With

S.B. Cross Objection (Civil) No. 87/2015

Meraj And Others

----Appellants

Versus

Manna Lal And Others

----Respondents

For Appellant(s) : Mr. Abdul Samad

For Respondent(s) : Mr. Amitabh Jatav

HON'BLE MR. JUSTICE G R MOOLCHANDANI

Order

03/01/2020

Learned counsel appearing for the appellants has preferred an application under Order 22 Rule 4 and 9 of C.P.C. coupled with Section 5 of Limitation Act.

It has been contended by learned counsel appearing for the appellants that cause of action and right to sue survive, soon as the knowledge of the death of respondent No.1 Manna Lal son of Jamna came to the notice, application for substitution has been preferred, delay, if any, be condoned, abatement be set aside and legal representatives of deceased-respondent No.1 Manna Lal be taken on record.

Learned counsel representing respondent Nos.1 to 5 has contended that Power on behalf of legal representatives of deceased-respondent No.1 Manna Lal has already been filed .

Having considered the grounds mentioned in the application, which is supported by an affidavit and not objected to by other-side, application preferred under Order 22 Rule 4 and 9 of C.P.C. coupled with Section 5 of Limitation Act are allowed and names of legal representatives of deceased-respondent No.1 Manna Lal are taken on record.

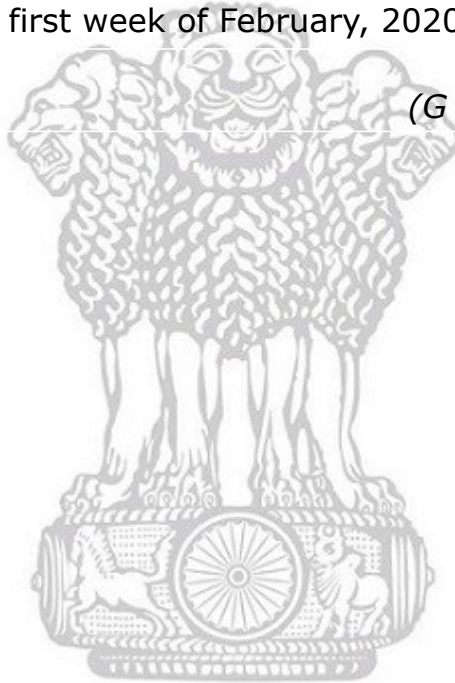
Amended cause-title is, accordingly, taken on record.

The applications stand disposed of.

List in the first week of February, 2020.

(G R MOOLCHANDANI),J

ASHOK/22-23



सत्यमेव जयते