

WPMS No. 1866 of 2008

Hon'ble Sharad Kumar Sharma, J.

Mr. M.S. Tyagi, Advocate for the petitioner.

Mr. Tarun Lakhera, Brief Holder for the State of Uttarakhand.

Mr. Tapan Singh, Advocate for the private respondents.

After the writ petition having been entertained on 16th October, 2008, though, the case was listed on a number of occasions and even after the death of respondent No. 1 which, according to the counsel for the respondent, has occurred on 28th December, 2010.

Today the case is being listed for final hearing. I do not see any justified reasons as to why the communication about the death of the respondent No. 1 was not conveyed by the counsel for the respondent on earlier occasions, when the case was listed after the death i.e. after 28th December, 2010 nor any application was given, giving an intimation of death under Order 22 Rule 10A, nor same has been placed on record.

The statement given by the learned counsel for the respondent today informing about the death of respondent No. 1 on 28th December, 2010, would be treated as to be an information in compliance of the Order 22 Rule 10A.

Learned counsel for the petitioner is granted two weeks' time to file substitution application bringing on record the heirs of respondent No. 1.

List thereafter.

(Sharad Kumar Sharma, J.)

Dated 05.09.2017

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