

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	06.05.2026		<p>WPMS No.1589 of 2022 <u>Hon'ble Siddhartha Sah, J.</u></p> <p>Mr. D. S. Negi, learned counsel holding brief of Mr. Siddhartha Singh, learned counsel for the petitioner.</p> <p>2. Mr. Sudhir Kumar Nainwal, learned Standing Counsel for the State.</p> <p>3. Earlier, notices were issued to the LRs of respondent nos. 4, 5 and 6, and perusal of the order dated 09.01.2026 reflects that service upon the LRs of respondent nos. 4, 5 and 6 has been effected as per the office report.</p> <p>4. In view of the above, the delay condonation application, substitution application, and setting aside abatement application are taken up for consideration.</p> <p>5. Delay Condonation Application (IA No. 2 of 2023) has been filed seeking condonation of delay of 220 days in filing the substitution application. The reasons for delay have been disclosed in the affidavit filed in support thereof, stating that respondent no. 4 expired on 05.03.2022 and is survived by two legal heirs, namely, Smt. Rekha Sharma (wife) and Rishab Sharma (son), who are the only legal heirs entitled to be substituted. It is further stated that the statutory period of 90 days expired on 03.06.2022 and the further period of 60 days expired on 02.08.2022, resulting in a delay of 159 days (till 08.01.2023). It is also stated that on 11.07.2022, this Hon'ble Court was pleased to issue notices to the private respondents, wherein the deceased, Uday Shankar, was arrayed as respondent no. 4. The petitioner came to know about the death of respondent no. 4 for the first time on 15.11.2022, when the matter was listed before this Court.</p> <p>6. Learned counsel for the State does not dispute</p>

			<p>the said contention.</p> <p>7. Since the reasons disclosed for the delay in filing the substitution application are found sufficient, the delay in filing the substitution application is condoned. Accordingly, the substitution application shall be treated as having been filed within time.</p> <p>8. Setting Aside Abatement Application (IA No. 3 of 2023) is founded on the same grounds as taken in the delay condonation application and supported by affidavit. Since the delay condonation application has already been allowed, the setting aside abatement application is also allowed. The abatement caused due to delayed filing of the substitution application is hereby set aside.</p> <p>9. Since the delay condonation application and the setting aside abatement application have been allowed, hence, the substitution application (IA No.4 of 2023) is also allowed. The LRs of respondent no. 4 be brought on record by incorporating their names in the cause title of the writ petition.</p> <p>10. The amended cause title be placed on record within a period of one week.</p> <p>11. List on 07.07.2026.</p> <p style="text-align: right;">(Siddhartha Sah, J.) 06.05.2026</p> <p>BS</p>
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