

Court No. - 21

Case :- WRIT - B No. - 25191 of 1992

Petitioner :- Ram Lochan Singh

Respondent :- D.D.C. And Others

Counsel for Petitioner :- S.K.Pandey,Ashok Kumar
Pandey,Yashwant Singh

Counsel for Respondent :- Shyam
Kumar,A.K.Srivastava,Dilip Kumar Yadav,Dinesh
Kumar,R.C.Paul,Rameshwar Prasad Shukla,S.C.,V.K.Singh

Hon'ble Dinesh Pathak,J.

Order on Civil Misc. Delay Condonation Application No. 15/2020 in Civil Misc. Substitution Application No.16/2020

Heard Sri Yashwant Singh, learned counsel for the petitioner and Sri Dinesh Kumar, learned counsel for the respondent nos. 6 to 8.

The instant substitution application has been moved on account of death of respondent no.4 and 5. It is prayed by the petitioner that against the name of respondent no.4 only word 'since deceased' should be written inasmuch as his heirs and legal representatives are already on the record.

With respect to the respondent no.5, it has been mentioned that his son Amarjeet may be substituted. On the last occasion it was informed by learned counsel for the petitioner that Amarjeet son of respondent no.5 has also died. Accordingly, time was granted to the petitioner to move substitution application.

For the ready reference order dated 28.07.2021 passed by this Court in the present substitution application is quoted herein as under:

"Order on C.M. Delay Condonation Application No.15 of 2020 in C.M. Substitution Application No. 16. of 2020

It has been stated by learned counsel for petitioner that he has been informed that the heirs and legal representatives of respondent no.5 mentioned in paragraph-3 of the affidavit filed in support of substitution application has also died on 09.03.2021.

Learned counsel for the petitioner prays for and is granted four weeks to file appropriate substitution application bringing on record the legal representatives of the deceased heir of respondent no.5."

In compliance of the order dated 28.07.2021 petitioner has moved substitution application dated 03.08.2021. So far as the

present application are concerned, it is allowed with respect to the respondent no.4, who has died and Office is directed to make an endorsement of 'since deceased' against his name.

So far as the application of respondent no.5 is concerned, it is rejected since the subsequent application has been filed to bring the heirs and legal representatives of respondent no.5 on record.

So far as delay condonation Application is concerned, there is no need to entertain the aforesaid application with respect to the death of respondent no.4, accordingly, it is also rejected.

Order on Civil Misc. Substitution Application No.23/2021

In compliance of the order dated 28.07.2021 present substitution application has been filed to bring the heirs and legal representatives of deceased respondent no.5 namely Dhunmun Singh on record.

It is averred in the affidavit filed in support of substitution application that Dhunmun Singh is succeeded by his grandson namely Anurag Singh and Vikas Singh, who are the sons of Amarjeet Singh, who had died subsequently.

Learned counsel for the respondents has no objection to the aforesaid substitution application.

Accordingly, present substitution application is **allowed**.

Office is directed to substitute the names of Anurag Singh and Vikas Singh, heirs and legal representatives of deceased Dhunmun Singh-respondent no.5 in the array of the parties as respondent no.5/1 and 5/2.

Order on Writ Petition

Issue notice to the respondent nos. 5/1 and 5/2, who were substituted by the order passed today.

Learned counsel for the petitioner is directed to take steps within one week.

List this matter on 28.09.2021.

Order Date :- 2.9.2021

Mohit