

Court No. - 18

Case :- WRIT - B No. - 19907 of 1998

Petitioner :- Virendra Singh

Respondent :- D.D.C. Agra And Others

Counsel for Petitioner :- R.K.Pandey

Counsel for Respondent :- S.C.,K.S. Chahar,S K Srivastava,S.C. Verma,V.P.S. Kushwaha,V.S. Chaudhary,V.S.Kushwaha,Veer Singh

Hon'ble J.J. Munir,J.

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It appears that when this matter was heard in part on 22.08.2019, it went unnoticed that there is a substitution application filed by the petitioner seeking to bring on record the heirs of deceased-respondent no. 5, along with a delay condonation application. Those heirs are shown in the belated substitution application to be proposed-respondent nos. 5/1, 5/2 and 5/3. Accordingly, during the course of hearing of this matter along with Writ-B No. 16913 of 1999, the hearing was interrupted and the following order is passed on the belated substitution application and the delay condonation application, related to deceased-respondent no. 5

Civil Misc. Delay Condonation Application No. 8 of 2018

This is a delay condonation application filed in aid of a substitution application seeking to bring on record the heirs and legal representatives of deceased-respondent no. 5, Nek Ram who are proposed to be arrayed as respondent nos. 5/1, 5/2 and 5/3.

A perusal of the office report dated 20.05.2019 reiterated on 17.07.2019 would show that vakalatnama has been filed on behalf of heirs of deceased-respondent no. 5, that is to say, respondent nos. 5/1, 5/2 and 5/3 by Sri Rahul Sahai, Advocate.

Sri Rahul Sahai, learned counsel appearing on behalf of respondent nos. 5/1, 5/2 and 5/3 has no objection in case this application is allowed.

Court has perused the affidavit filed in support of the delay condonation application. Cause shown is sufficient. Delay in filing the substitution application is **allowed**.

Civil Misc. Substitution Application No. 9 of 2018

This is a substitution application seeking to bring on record the heirs and legal representatives of deceased-respondent no. 5,

Nek Ram who are proposed to be substituted as respondent nos. 5/1, 5/2 and 5/3 in the array of parties.

The Court has perused the affidavit filed in support of the substitution application. There is good ground to grant substitution. Accordingly, the application is **allowed**.

Let respondent nos. 5/1, 5/2 and 5/3 be substituted in place of deceased-respondent no. 5 by the office forthwith.

It is clarified here that in the writ petition the learned counsel for the petitioner has already carried out the requisite substitution under some kind of misconception about the order passed on 02.08.2018 by this Court, where the delay condonation application no. 6/2018 was allowed saying that the said application was made in the substitution. The further order passed on that date is in civil misc. restoration application no. 7 of 2018. The said aberration in the record that has crept in, is required to be rectified.

Office shall make a note on the already incorporated substitution that the said substitution is one in compliance of the order made today by the office, and that the learned counsel's endorsement with regard to substitution and the order of the Court mentioned there by him shall be ignored.

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(Further order made after disposal of the Delay Condonation Application No. 8 of 2019 and Substitution Application No. 9 of 2019)

Heard Sri R.K. Pandey, learned counsel for the petitioner at length, Sri V.S. Kushwaha, learned counsel for respondent no. 3, Sri Rahul Sahai, learned counsel for respondent no. 5 and Sri Anil Kumar Singh Baghel, learned Additional C.S.C. appearing on behalf of respondent no. 1.

Judgment reserved.

Order Date :- 26.8.2019

Deepak