

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR B.SUDHEENDRA KUMAR

I.A. NO.4 IN CIVIL APPEAL NO(s). 2581 OF 2005

CHANDER PRAKASH TYAGI

Appellant (s)

VERSUS

BENARSI DAS (DEAD)

Respondent(s)

(With office report for substitution of lrs. Of deceased sole respondent)

WITH I.A. NO.2 IN Civil Appeal NO. 2633 of 2005

(For substitution of lrs of deceased sole respondent)

Date: 06/12/2006 This Appeal was called on for hearing today.

For Appellant(s)

Mr. Pravir Kumar Jain,Adv.

For Respondent(s)

Mr. M.Qamaruddin,Adv.

UPON hearing counsel the Court made the following

O R D E R

The petitioners have filed Interlocutory Application No.2/2005 in Civil

Appeal No.2633/2005 and Interlocutory Application No.4 in Civil Appeal

No.2581/2005 praying for bringing on record the persons referred to in Para 2 in

Interlocutory Application No.2/2005 as the legal representatives of sole respondent in

Civil Appeal No.2633/2005 and the persons named in Para 2 of Interlocutory

Application No.4/2005 as the legal representatives of deceased sole respondent in Civil

Appeal No.2581/2005.

-2-

Item No.2

CIVIL APPEAL NO(s). 2581 OF 2005

Heard.

I have also perused the application.

The deceased sole respondent is the same in both the appeals.

It is borne out from the applications that the sole respondent died on

11.6.2005 leaving behind the persons referred to in the applications as the legal heirs.

However, there is nothing stated in the applications that the said persons are the only

legal heirs of the deceased sole respondent. These applications have been filed within

time. Service of notice on the proposed legal representatives is also complete. However, nobody has entered appearance for the proposed legal representatives. These applications being applications of formal nature, I am inclined to allow the same.

Accordingly, these applications stand allowed impleading the eight persons referred to

in the two respective applications as the sole legal heirs of the deceased sole respondent in the above civil appeals, as prayed for, on condition of one of the legal heirs filing an affidavit stating that the persons referred to in the applications are the only legal heirs of the deceased sole respondent as per the law of succession applicable to the deceased.

File affidavit and memo of parties within four weeks.

List again on 12.1.2007.

(B.SUDHEENDRA KUMAR)

Registrar

hj