

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

Petition(s) for Special Leave to Appeal (Civil) No(s).5152/2006

GANGA DEVI MAHORE & ORS. Petitioner(s)

VERSUS

BHAGWAN DAS MANGAL & ORS. Respondent(s)

(With Office Report)

Date: 22/04/2013 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J. CHELAMESWAR  
(In Chambers)

For Petitioner(s) Mr. Puneet Jain, Adv.  
Ms. Ruchika Gohil, Adv.  
Ms. Pratibha Jain, Adv.

For Respondent(s) Mr. R.S. Hegde, Adv.  
Mr. Rajeev Singh, Adv.  
Mr. Jai Prakash Pandey, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Office Report dated 20.03.2013 indicates that two of the respondents in this Special Leave Petition i.e. Respondent Nos. 1 and 5 died during the pendency of the Special Leave Petition. In so far as Respondent No. 1 is concerned, the petitioners filed an application for substituting the LRs of Respondent No.1, who according to the petitioners are the widow and two sons of deceased Respondent No. 1. The application (unnumbered) has been filed by one Prateek Mangal praying that he is the grandson of Respondent No. 1 through one of his sons Ajay Mangal and he is the legatee of the property which is the subject matter of the Special Leave Petition and the Registered Will of deceased Respondent No.1 and therefore, he may be brought on record as the LR of deceased Respondent No.1.

Whether the claim of the above mentioned Prateek Mangal is true or not, is not required to be gone into by me for the reason that when the petitioners sought to serve the widow and the sons of deceased Respondent No. 1, except the father of the above mentioned Prateek Mangal, others declined to accept notice and the father of Prateek Mangal already filed an Affidavit supporting the claim of grandson of deceased Respondent No. 1- Bhagwan Das Mangal.

Under the circumstances, the application of the above mentioned Prateek Mangal (unnumbered) is directed to be numbered and allowed as prayed for.

Coming to Respondent No. 5 in the Special Leave Petition, who happened to be a co-defendant in the suit with the petitioners in the SLP, it appears that the LRs of deceased Respondent No. 5 namely, Lakshmi and Adwanti died during the pendency of the proceedings of the suit and thereupon, his LRs (five in number) were brought on record.

Eventually when the matter reached, the above Special Leave Petition, in so far as the abovementioned Respondent No.5 - Ramprasad is concerned, only two of his LRs remained on record, the reasons for which may not be necessary for the present purpose. But unfortunately, even the above mentioned two LRs on record also died during the pendency of the Special Leave Petition. Therefore, the application was filed to bring the LRs of such deceased LRs of Respondent No. 5, who was the original defendant in the suit.

In so far as the LRs of deceased Respondent No. 5A are concerned, they have been served (three in number) and an Affidavit for proof of service on them is filed. However, with reference to the LRs of deceased

Respondent No. 5B, the LR (one in number) has refused to receive service of notice.

In the circumstances, learned counsel for the petitioners submits that in view of the fact that Respondent No. 5 was a co-defendant along with the petitioners herein and the Estate of Respondent No. 5 is already represented by LRs of the deceased Respondent No.5, the refusal of service by LR of deceased Respondent No. 5B makes no difference to the proceedings.

Under the circumstances, the application filed by the petitioners seeking substitution of LRs of deceased Respondent Nos. 5A and 5B are allowed as prayed for.

I.A.No. 6, I.A.No. 7 and I.A.....(unnumbered) are allowed.

| (Jayant Kumar Arora)  
| Sr. P.A.

| | (S.S.R.Krishna)  
| | Court Master

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