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C.A.No. 7278-7279 OF 2001
ITEM No.3

Court No. 7

SECTION XI

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

I.A. Nos. 17-18 & I.A..... in Civil Appeal No.7278-7279/2001

VIKRAM SINGH

Appellant (s)

VERSUS

BACHCHAN & ORS.

Respondent (s)

(For recalling the order dated 16.10.2001 and abatement
of appeal and for substitution of Lrs. of deceased respondent
Nos. 7-8 and c/delay in filing substitution application and
setting aside abatement)

Date : 22/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)Mr. Tripurari Ray, Adv.

Mr. Medhavi Kumar, Adv.

Mr. Satish Pandey, Adv.

Mr. Vishwajit Singh,Adv.

For Respondent (s)Mr. T.N. Singh,Adv.

Mr. V.K.Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

These I.A. Nos. 17-18 of 2004 are for recalling the Order dated 16th October, 2001 whereby this Court permitted heirs of three persons, namely, Gorakhnath, Mukhlal and Ram Badan to be brought on record. It is now shown to us that Mukhlal and Ram Badan had expired during the pendency of the Writ Petition before the High Court. Application for bringing the Lrs. on record had been dismissed by the High Court. The Writ Petition came to be dismissed on 26th September, 1996. Whilst dismissing the Writ Petition, it is recorded that the Writ Petition had abated against Gorakhnath, Mukhlal and Ram Badan.As the Writ Petition has already abated against these parties, no substitution could be permitted before this Court. As Ram Badan and Mukhlal died during the pendency of the Writ Petition and the Writ Petition abated against them, we set aside the order allowing substitution.

However so far as Gorakhnath is concerned, he had died much earlier. He died during the pendency of the Revision filed by the Applicant (herein). The Applicant had chosen not to bring his Lrs. on record. The Applicant had got favourable order without bringing Lrs. on record. Applicant can not now complain if Lrs. are brought on record. To that extent, the Order is maintained.

These Applications stand disposed of accordingly.

List all other applications after two weeks.

Anita

(Jasbir Singh)

Court Master