

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5124 OF 2007
(Arising out of SLP No.4549 of 2006)

Bal Kishan

...Appellant

Versus

Shangri & Ors.

..Respondents

ORDER

1. An application for substitution for bringing on record the legal heirs of the deceased Amrit Lal -appellant No.2 before the High Court is allowed and the heirs and representatives of the said Amrit Lal be brought on record.

2. Leave granted.

3. This appeal is directed against the judgment and order dated 9 th of November, 2005 passed by the High Court of Himachal Pradesh at Shimla in CMP(M) No. 993 of 2004 arising out of RSA No.52 of 1999. An application for substitution after setting aside the abatement on condonation of delay in bringing the heirs and legal representatives of the deceased Amrit Lal - appellant No.2 on record was filed which was rejected by the High Court by the impugned order against which this SLP has been filed and leave has been granted.

4. Having heard the learned counsel for the parties and after considering the

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impugned order as well as the other materials on record, particularly the statement
s
made in the application for substitution after setting aside the abatement on condo
nation
of delay in bringing on record the heirs and legal representatives of the deceased
Amrit
Lal, we are of the view that in the facts and circumstances stated in the applicati
on, the
said application should be allowed on the condition that the appellant shall deposi
t or

Lordship and Hon'ble Mr.Justice Dalveer Bhandari.

An application for substitution for bringing on record the legal heirs of the deceased Amrit Lal-appellant No.2 before the High Court is allowed and the heirs and representatives of the said

Amrit Lal be brought on record.

Leave granted.

The appeal is disposed of in terms of the signed order.

There will be no order as to costs.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)