

ITEM NO.104

Court 9 (Video Conferencing)

SECTION III-A

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

RECORD OF PROCEEDINGS

Civil Appeal No(s). 2892/2009

GIRIJA PRASAD TIWARI (D) THR. LRS.

Appellant(s)

VERSUS

RAMAPATI TIWARI (DEAD) & ORS.

Respondent(s)

(With appln(s). for substitution and condonation of delay in filing substitution and setting aside abatement)

Date : 18-03-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Appellant(s) Mr. Sunil Kumar Verma, AOR (Not joined)

For Respondent(s) Mr. Ajit Singh Pundir, AOR

Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.

UPON hearing the counsel the Court made the following

O R D E R

On 20.08.2019 the bench was informed that respondent No. 1 has passed away. The application to bring on record legal representatives was filed on 26.08.2019, but has not been ordered. The death certificate enclosed shows that the date of death is 10.01.2017 and thus there is delay in bringing forth

the application for substitution of 887 days.

In view of the aforesaid facts and circumstances, abatement is set aside; delay is condoned and the application for substitution is ordered.

The 9 legal representatives as specified in the applications be impleaded in place of respondent No. 1. Amended memo of parties name be filed within one week.

Let fresh notice issue to the newly impleaded legal representatives as learned counsel appearing earlier for respondent No. 1 states that he is not having any instructions from the legal representatives.

Let default notice be also issue to the counsel for the appellant as appellant is unrepresented.

List for directions on 19.04.2021.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)