

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). 4176 OF 2006

QAZI ABDUL HAMID & ORS. Appellant (s)

VERSUS

QAZI GHULAM NABI Respondent(s)

(With office report)

Date: 10/09/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
IN CHAMBERS

For Appellant(s)

Mr. Arvind Kumar Gupta, Adv. (NP)

For Respondent(s)

Ms. Purnima Bhat, Adv.

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

Application Nos. 4&5 are filed with the prayer as follows:

"I.A.No.4: it is prayed that this Hon'ble Court may be pleased to set aside the abatement qua legal representatives of deceased respondent mentioned in para 3 and may further be pleased to substitute the said legal representatives of the deceased respondent in place of sole respondent.

I.A.No.5: To condone the delay of 373 days in filing the application under Order 22 Rule 4 & 9 read with section 151 CPC."

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By an order of this Court dated 24.7.2013 notice was issued in the said applications. The said respondents are served and represented by Ms. Purnima Bhat, Advocate. Today, when the matter is taken up, there is no appearance on behalf of the applicants/appellants. On the other hand, learned counsel Mr. Purnima Bhat submits that the said I.A.No.5 is hopelessly barred by limitation.

In the circumstances, I.A. Nos. 4&5 are dismissed.

[SUMAN WADHWA]
AR-cum-PS

[SNEH LATA SHARMA]
COURT MASTER