

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
IA No. 2 & 3 in CIVIL APPEAL NO(s). 880 OF 2013

SARDAR SINGH (D) THRU LRS. & ANR. Appellant (s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)

(With appln(s) for c/delay in filing appl. for bringing LR's on record,
bringing on record the LR's of deceased petitioner and office report)

Date: 15/04/2013 These applications were called on for hearing today.

CORAM :

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

For Appellant(s) Mr. Amit Choudhary, Adv.
Mr. N. Ganpathy, Adv.

For Respondent(s)

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

The instant appeal arises out of the special leave petition preferred against order and decree dated 23.8.2011 passed by the High Court of Delhi in L.A. Appeal No. 153/2011, which has been preferred by two appellants. The first appellant before the High Court was one Mr. Sardar Singh, who died even before filing of the special leave petition. The special leave petition was in fact preferred by the wife and son of late Sardar Singh.

It appears that the present special leave petition along with other connected special leave petitions came to be considered by the Division bench, which thought it fit to grant special leave in the batch of matters. Unfortunately, the fact of death of Sardar Singh was not brought to the notice of the Court though along with the special leave petition, application to bring the wife and son of the deceased Sardar Singh was also filed.

I am of the opinion that legally leave could not have been granted in favour of deceased Sardar Singh, a non-existing petitioner, unless the application to bring the said LR's is considered by the Court and appropriate orders were passed on such application. However, these facts obviously were not brought to the notice of the Court and, therefore, leave came to be granted.

In the circumstances, I deem it appropriate that the matter be placed before the same Bench which granted leave in the instant matter for necessary orders.

COURT MASTER

COURT MASTER