

ITEM NO.1702

COURT NO.14

SECTION IV

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). 13388/2015

BALBIR SINGH & ORS.

Appellant(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

(I.A. D.NO. 70124/2021 - APPLICATION FOR SUBSTITUTION, AND
I.A. D.NO. 70126/2021 - APPLICATION FOR EXEMPTION FROM FILING
OFFICIAL TRANSLATION IN C.A. NO. 14652/2015 IS TO BE LISTED ONLY.)

WITH

C.A. No. 14652/2015 (IV)

IA No. 70124/2021 - APPLICATION FOR SUBSTITUTION

IA No. 70126/2021 - EXEMPTION FROM FILING O.T.)

Date : 27-02-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
[IN CHAMBER]

For Appellant(s) Mr. Yashraj Singh Deora, AOR
Mr. Siddhant Singh, Adv.
Mr. Abhishek Singh, Adv.
Mr. Priyesh Mohan Srivastava, Adv.

Mr. Birendra Kumar Mishra, AOR

For Respondent(s) Mr. Kamal Mohan Gupta, AOR
Mr. Ravindra Bana, AOR

Mr. Shekhar Raj Sharma, AAG
Mr. Paras Dutta, Adv.
Dr. Monika Gusain, AOR

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

The sole appellant having passed away, his sons applied for substitution. It was claimed in the said application that the sole appellant left behind him as his surviving heirs, his widow, two sons and one daughter. The application was allowed on 9.12.2020.

The Vakalatnama was executed by the sons only and not by the

daughter of the deceased appellant.

Now, the widow of the deceased appellant has filed IA No. 70124/2021 claiming that the right to sue survives only in her favour and not in favour of children born in the wedlock of the applicant and the deceased appellant.

However, no one is present on behalf of the applicant today to press the application. Mr. Yashraj Singh Deora, learned Advocate appears for the sons and daughter of the deceased appellant and submits that he is yet to be served a copy of the application.

Be that as it may, issue notice returnable in six weeks.

Mr. Deora, learned counsel accepts notice on behalf of the sons and daughter of the deceased appellant. Office to ensure that a copy of the application is served on Mr. Deora within three weeks if spare copy of the application (IA No. 70124/2021) is filed by the applicant within two weeks.

Reply to the application be filed within three weeks of receipt thereof.

The application be listed after four weeks.

(DR. NAVEEN RAWAL)
ASTT. REGISTRAR-cum-PS

(RAVINDER KUMAR)
COURT MASTER (NSH)