

SECTION IV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4650 OF 2007

WITH

INTERLOCUTORY APPLICATION NO. 7 OF 2014

(Application for early hearing)

WITH

INTERLOCUTORY APPLICATION NO. 9 OF 2014

(Application for substitution to bring on record the LR's. of deceased Respondent No. 9)

AND

INTERLOCUTORY APPLICATION NO. 10 OF 2014

(Application for condonation of delay in filing substitution to bring on record the LR's. of deceased Respondent No. 9)

Sita Ram

...Appellant

VERSUS

Prabhu Lal & Ors.

...Respondents

OFFICE REPORT

The appeal above mentioned with office report dated 09-09-2014 was listed before the Hon'ble Court on 10th September, 2014, when the court was pleased to pass the following order:-

I.A. No. 3 of 2009 has been filed by appellant for substitution / bringing on record the L.Rs of deceased respondent no. 11, namely, Hari Narain, S/o Nirmal Das who has died on 17th January, 2009 during the pendency of the appeal leaving behind the following legal heirs:

1. Smt. Sneh Batra - Wife aged about 62 years
2. Puneet Batra - Son, aged about 39 years
3. Jyoti Batra - Daughter, aged about 36 years

All R/o House No. 574, Sector-9, Faridabad (Haryana)

Another I.A. No. 8 of 2014 has been filed for substitution and bringing L.Rs of respondent no. 5 (Smt. Sita Devi) on record, who died on 19th July, 2014, during the pendency of the appeal leaving behind the L.Rs who

are already on record as respondent nos. 6 (Munish), 7(Suresh), 8 (Dinesh) and respondent no. 9 (Smt. Madhu Trikha) who expired on 11th April, 2012 for whom a separate application for substitution of L.Rs. has been filed.

Another I.A. No. 9 of 2014 filed for substitution and bringing on record the L.Rs of respondent no. 9 (Smt. Madhu Trikha) on record who died on 11th April, 2012 leaving behind the L.Rs. detailed as under:

9. (a) Shri Shakti Trikha, Husband of Late Smt. Madhu Trikha, House No. 1358 Sector-1, Rohtak, Pin-124001 (Haryana), 58 years.
9. (b) Ms. Bhumika Trikha D/o Late Smt. Madhu Trikha, House No. 1358 Sector-1, Rohtak, Pin-124001 (Haryana), 32 years.
9. (c) Nishita Trikha D/o Late Smt. Madhu Trikha, House No.1358 Sector-1 Rohtak, Pin-124001 (Haryana), 28 years.

Having heard learned counsel for the parties, application for substitution and bringing on record the L.Rs. of deceased respondent no. 9 and L.Rs. of deceased respondent no. 11 is allowed. The L.Rs. of deceased respondent no. 5 are on record. Therefore, against name of deceased respondent no. 5 it be recorded as dead. I.A. No. 08/14 is allowed.

Let notice be issued on L.Rs of deceased respondent nos.9 and L.Rs. of deceased respondent no. 11 returnable within four weeks Dasti, in addition, is permitted.

Accordingly notice to the LR. of deceased Respondent no. 11, namely Hari Narain and LR. of deceased Respondent No. 9, namely Madhu Trikha was issued on 24-09-2014 through registered A.D. Neither A.D. card nor unserved cover have been received back from the L.Rs. Notice for Dasti service was also given to appellant in person on 22-09-2014. Appellant in person as on 08-10-2014 filed affidavit of service with proof of service stating therein that notice has been served to the all L.Rs. of deceased Respondent no. 11 on 20-09-2014 and notice to the all L.Rs. of

deceased respondent no. 9 have been served on 21-09-2014 personally to L.Rs. no. 9 (1) and to Munish Batra, the brother of deceased Madhu Trikha, L.Rs. No. 9 (2) and 9 (3). Service is complete on the L.Rs. of the deceased Respondent no. 11 & 9.

The appeal alongwith applications above mentioned is listed before the Court with this report.

Dated this the 18th day of October, 2014.

Sd/-
ASSISTANT REGISTRAR

Copy to :

1. Mr. Sita Ram, Petitioner-in-person
R/o House No. 40, Housing Board Colony,
Sector-7 Extension,
Gurgaon (Haryana)
2. Mr. Surya Kant, Advocate
3. Mr. A.D. Sikri, Advocate
4. Mr. K.L. Janani, Advocate

ASSISTANT REGISTRAR