

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

I.A.No. 7, 8 & 9 In
Petition(s) for Special Leave to Appeal (Civil) No(s).20140/2010

(From the judgment and order dated 18/02/2010 in RSA No.639/1980 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GIAN CHAND & ORS. Petitioner(s)

VERSUS

PANCHAYAT AKHARA & ORS. Respondent(s)

(With appln(s) for substitution of L.Rs of the deceased respondent and
c/delay in filing substitution application and exemption from filing O.T
and office report)

Date: 06/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
(IN CHAMBERS)

For Petitioner(s) Ms. Neha Kedia, Adv.
Mr. Rohit Kumar Singh, Adv.

For Respondent(s) Ms. Naresh Bakshi, Adv.

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

Learned counsel for the petitioners has drawn my
attention to Order XXII Rule 4(3) of Code of Civil Procedure,
1908, as applicable(amendment) to High Court of Punjab & Haryana,
which reads as under:

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"Where within the time limited by law no
application is made under sub-rule(1), the suit shall not
abate as against the deceased-defendant and the judgment
be pronounced notwithstanding the death and shall have the
same force and effect as if it had been pronounced before
the death took place"

Under the circumstances, delay in filing the application for
substitution of L.Rs of respondent no. 5 is condoned subject to
the deposit of cost of Rs.1500/- with the Supreme Court Legal
Services Committee within four weeks.

As per office report dated 28th July, 2012 L.Rs of
deceased respondent no. 5 have refused to accept the notice.
Accordingly, they are deemed to be served.

Issue fresh notice to respondent no.6 returnable in four weeks.

Application for exemption from filing O.T is allowed.

| (KUSUM SYAL)
| SR.P.A
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| | (SHARDA KAPOOR)
| | COURT MASTER
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