

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A...., I.A...., I.A...., I.A. 4/2016 in Petition(s) for Special Leave to Appeal (C) No(s). 29811/2009

(Arising out of impugned final judgment and order dated 20/02/2008 in SBCRA No. 144/1986 passed by the High Court Of Rajasthan At Jaipur)

CHAND BIHARI & ORS.

Petitioner(s)

VERSUS

GHANSHYAM & ANR.

Respondent(s)

(for substitution and c/delay in filing substitution appln. and setting aside an abatement and exemption from filing death certificate)

Date : 19/09/2016 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UDAY UMESH LALIT
[IN CHAMBERS]

For Petitioner(s) Mr. T. Gopal, Adv.
Ms. Heena Khan, Adv.
Ms. Aishwarya Bhati, Adv.

For Respondent(s) Mr. Abhinav Gupta, Adv.
Mr. Apurv Taran, Adv.
Ms. Pratibha Jain, Adv.

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

The present Special Leave Petition has been filed by original respondent nos. 1-3 challenging the decision of the High Court dated 20.02.2008. In the Special Leave Petition, respondent no. 2 has been shown as the proforma respondent in the High Court.

It appears that respondent no. 2 had died while the matter was pending in the High Court.

2.

However, no steps were taken to bring the legal representatives of the deceased respondent no. 2 on record. The petitioners - original respondents 1 to 3 came to know about the demise of said respondent no. 2 only when the notice was returned unserved.

There has been delay of thirteen years in filing this application for substitution.

In the circumstances, the delay in preferring the application is condoned. Abatement, if any, is set aside. The application for substitution is allowed. The name of "Gopal Lal Kumawat" be substituted in place of deceased respondent no. 2.

Amended cause title be filed within seven days from today.

(SONALI SAUND)
SR.P.A.

(SUMAN JAIN)
COURT MASTER