

ITEM NO.16

COURT NO.6

SECTION IVB

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 SI.A. Nos. 4, 5-6, 7, 8 & 9 in  
Petition(s) for Special Leave  
33613/2009

to Appeal (Civil) No(s).33612-

(From the judgement and order dated 11/05/2009 in RFA  
No.122/2008,RFA No.123/2008 of The HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH)

HARNEK SINGH

Petitioner(s)

VERSUS

PRITAM SINGH &amp; ORS.

Respondent(s)

(for c/delay in filing substitution appln.,deletion of the name of  
respondent,substitution of L.Rs of the deceased  
respondent,permission to file counter affidavit,AMENDMENT OF MEMO OF  
PARTIES)

Date: 13/01/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA  
[IN CHAMBERS]For Petitioner(s) Mr. Vikas Mahajan, Adv.  
Mr. A.N. Singh, Adv.  
Mr. Bhaskar Y. Kulkarni,AOR.For Respondent(s) Mr. Niraj Jha, Adv.  
Mr.K.K. Mahalik, Adv.  
Mr. Ajay Pal,AORUPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel for the parties.

I.A. No.4 for deleting the name of Sarup Singh,  
2respondent No.1 in S.L.P.(C) No.33613 of 2009 is allowed at  
the risk of the petitioner.I.A. Nos.5-6 for permission to file amended counter  
affidavit shall be considered by the Bench at the time of  
hearing of the special leave petitions.

In I.A. No.7, it is stated that legal heirs of deceased Surjan Singh, who expired on 30.06.1999 during the pendency of the R.S.A. before the High Court, were brought on record before the High Court vide order dated 20.01.2009, a copy of which is annexed as Annexure-A to the application. However, while making correction in the memo of parties, the name of Smt. Bachan Kaur could not be added in the memo of parties of R.S.A. No.122/2008, though she had already been brought on record vide order dated 20.01.2009.

Having heard learned counsel for the parties and taking into consideration the fact that the High Court has already brought on record the legal heirs of deceased Surjan Singh by order dated 20.1.2009, the application for correcting the memo of parties is allowed.

Amended memo of parties be filed within two weeks.

Having heard learned counsel for the parties and taking into consideration the fact that the legal heirs of deceased Surjan Singh were brought on record by the High Court vide order dated 20.01.2009 in R.S.A. No.122 of 2008, subject matter of S.L.P.(C) No.33612 of 2009, delay in filing the application for substitution is condoned.

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Substitution allowed and the legal heirs of deceased Surjan Singh are ordered to be brought on record in S.L.P.(C) No.33613 of 2009 as well, filed against R.S.A. No.123 of 2008.

Amended cause title be filed within two weeks.

The interlocutory application Nos.4 and 7 to 9 are accordingly disposed of.

(Parveen Kr.Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master