

ITEM NO.7

COURT NO.9

SECTION XVI

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). 11308/2011****UNION OF INDIA & ORS.****APPELLANT(S)****VERSUS****BARUN KUMAR MALLA****RESPONDENT(S)****(ONLY I.A. NOS.114279/2018 AND 132632/2018 IN C.A. NO.17387/2017 TO BE LISTED)****WITH****C.A. NO. 17387/2017 (XVI)****I.A. NO.114279/2018 - APPLICATION FOR SUBSTITUTION.****I.A. NO.132632/2018 - CONDONATION OF DELAY IN SUBSTITUTION AND SETTING ASIDE ABATEMENT****Date : 08-04-2019 This case(s) was called on for hearing today.****CORAM :****HON'BLE MR. JUSTICE AJAY RASTOGI**
[IN CHAMBER]**For Appellant(s)****Ms. Rekha Pandey, Adv.**
Mr. B. V. Balaram Das, AOR**For Respondent(s)****Ms. J. Priyadarshini, Adv.**
Mr. Azim H. Laskar, Adv.
Mr. Avijit Bhattacharjee, AOR**UPON hearing the counsel the Court made the following**
O R D E R

An application has been filed under Order XXII Rule 4(1) of the Code of Civil Procedure, 1908 for taking the legal heirs of deceased sole respondent on record who died during the pendency of the proceedings. There is also delay in filing the substitution application which has been satisfactorily explained.

There is no serious objection to the aforesaid application by the learned counsel for the respondent.

For the reasons stated in the application, application for substitution of deceased sole respondent is allowed by condoning the delay and setting aside abatement. The legal representatives of the deceased sole respondent be taken on record. Cause title be amended accordingly.

As per office report, a letter dated 26th October, 2018 has been received from the wife of deceased sole respondent regarding providing legal aid to her.

Office to proceed.

[VINOD LAKHINA]
AR-cum-PS

[VIDYA NEGI]
BRANCH OFFICER