

1/4ITEM NO.11

COURT NO.5 SECTION XIA
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. 3/2016, I.A. 4/2016, I.A. 5/2016 in Petition(s) for Special
Leave to Appeal (C) No(s). 4773/2012
(Arising out of impugned final judgment and order dated 15/11/2010
in WP No. 35766/2008 passed by the High Court Of Kerala At
Ernakulam)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

K.GUNASEKHRAN (DEAD) & ANR.

Respondent(s)

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

Date : 04/03/2016 These applications were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
[IN CHAMBER]

For Petitioner(s) Mr. Arun Kumar Singh, Adv.

Mr. Shreekant N. Terdal,Adv.

For Respondent(s) Mr. Wills Mathews, Adv.

Mr. Gaurav Kumar, Adv.

Mr. Devendra Kumar Tiwari, Adv.

Mr. P. George Giri,Adv.

UPON hearing the counsel the Court made the following

O R D E R

The question as to whether original cause of action
still survives and whether right to sue has devolved upon
the legal representatives of respondent no. 1 is kept open,
and the same would be considered at the time of final
hearing of the petition.

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Subject to this, IA No.3, 4, 5(Applications for
substitution to bring on record the LRs of deceased
respondent no. 1, condonation of delay in filing
substitution application and for setting aside of abatement
are allowed as in my opinion, the applications under
consideration contain sufficient cause for condonation of
delay in filing the application and substitution of LRs of
deceased R1 and for setting aside of the abatement.

(DEEPAK MANSUKHANI)

(INDU POKHRIYAL)

COURT MASTER

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