

SUPR EME COUR T OF I N D I A  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR ASHOK MENON

Petition(s) for Special Leave to Appeal (Civil) No(s).27651/2008

(From the judgement and order dated 05/06/2008 in WA No. 1757/2007 of The HIGH COURT OF KERALA AT ERNAKULAM)

CONSERVATOR OF FORESTS & ORS.

Petitioner(s)

VERSUS

M.J.THOMAS & ORS.

Respondent(s)

(With prayer for interim relief )

Date: 31/07/2009 This Petition was called on for hearing today.

For Petitioner(s) Mr. B. Anand,Adv.

Mr. G. Prakash,Adv.

For Respondent(s)

Mr. V.K. Sidharthan,Adv.

Mr. Subramonium Prasad ,Adv

Ms. Atreyi,Adv.

UPON hearing counsel the Court made the following  
ORDER

R-5 is reported to be dead. The counsel for the petitioner has filed an application for bringing on record the Lrs. of deceased respondent. The office report points out that there is delay of 488 days in filing the petition for substitution. Learned counsel for the petitioner submits that there is no delay and the limitation begins to run from the knowledge of death and in the application for impleadment it is specified that there is no delay in filing the application from the date of knowledge of death of the respondent, therefore no separate application for condoning the delay is required. On perusal of the application it is seen that the petitioner has stated in the application that he came to know about the death only when the  
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Item No.44

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notice was returned with endorsement that "the respondent has expired". In the prayer he has also sought condonation of delay. The date of which the petitioner came to know about the death of R-5 is not specified in the application. Hence, the petitioner is directed to clarify the same.

List the matter on 20.8.2009.

(ASHOK MENON)

Registrar