

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 9343/2010

RAJ KISHORE PRASAD(D) THR. LRS.

Appellant(s)

VERSUS

TRIPURARI SARAN SHARMA AND ORS.

Respondent(s)

O R D E R

1. As per the office report dated 18<sup>th</sup> February, 2023, service of notice has remained incomplete in respect of respondents No. 12, 14 & 18 to 20. Further, no steps have been taken by the appellant to move a substitution application in respect of deceased respondents No. 1-3, 5, 7, 8, 13, 15 & 17.

2. Learned counsel for respondents No. 4 & 9 submits that few of the respondents who have been mentioned hereinabove had expired while the second appeal was pending before the High Court and despite that no steps have been taken by the appellant to bring the legal heirs on record.

3. He submits that just this itself is sufficient

ground to direct abatement of the present appeal against the said respondents.

4. Last chance was granted to learned counsel for the appellant to take steps to serve the unserved respondents No. 12, 14 & 18 to 20 which has not been availed of.

6. The present appeal is directed to stand abated against the unserved respondents No. 12, 14 & 18 to 20 as also the deceased respondents No. 1-3, 5, 7, 8, 13, 15 & 17.

7. Cause title be amended accordingly.

8. List before appropriate Bench thereafter.

.....J.  
[HIMA KOHLI]

NEW DELHI;  
18<sup>th</sup> JULY, 2023

ITEM NO.1729

COURT NO.14

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). 9343/2010

RAJ KISHORE PRASAD(D) THR. LRS.

Appellant(s)

VERSUS

TRIPURARI SARAN SHARMA AND ORS.

Respondent(s)

(OFFICE REPORT ON DEFAULT TO BE LISTED BEFORE HON'BLE JUDGE-IN-CHAMBERS

IA No. 87245/2021 - APPLICATION FOR SUBSTITUTION

IA No. 116483/2021 - CLARIFICATION/DIRECTION

IA No. 31771/2020 - MODIFICATION)

Date : 18-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
[IN CHAMBER]

For Appellant(s)

Mr. T. N. Singh, AOR  
Mr. Vikas Kumar Singh, Adv.  
Ms. Rajshree Singh, Adv.

For Respondent(s)

Mr. Smarhar Singh, AOR  
Ms. Shweta Kumari, Adv.  
Mr. Jai Krishna Singh, Adv.  
Mr. Kushal Kumar, Adv.  
Mr. Manoj Kumar, Adv.

Mr. T. Mahipal, AOR  
Dr. J. P. Dhanda, AOR

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

1. The present appeal is directed to stand abated against the unserved respondents No. 12, 14 & 18 to 20 as also the deceased respondents No. 1-3, 5, 7, 8, 13, 15 & 17, in terms of the signed order.

2. Cause title be amended accordingly.
3. List before appropriate Bench thereafter.

(SONIA GULATI)  
SENIOR PERSONAL ASSISTANT

(NAND KISHOR)  
COURT MASTER (NSH)

(Signed order is placed on the file)