

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.No. 7-12, 13-18, 19 & 20 IN

Petition(s) for Special Leave to Appeal (Civil) No(s).23013-23018/2009

(From the judgment and order dated 05/12/2008 in CWP No.366/1987, CWP No.367/1987, CWP No.2887/1987, CWP No.3305/1987, CWP No.3935/1987, CWP No.5185/1987 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

THE IMPROVEMENT TRUST, PANIPAT

Petitioner(s)

VERSUS

RAM KUMAR & ORS.

Respondent(s)

(With appln(s) for c/delay in filing substitution application & exemption from filing O.T., exemption from filing death certificate and substitution of L.Rs of the deceased respondent and office report)

Date: 06/08/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
(IN CHAMBERS)

For Petitioner(s) Mr. Balbir Singh Gupta,Adv.

For Respondent(s) Mr. Gagan Gupta,Adv.

UPON hearing counsel the Court made the following

O R D E R

Learned counsel for the petitioner has drawn my attention to Order XXII Rule 3, sub-rule (2) of the Code of Civil Procedure, 1908, as applicable to Punjab, Haryana and Chandigarh, which reads as follows:

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"(2) Where within the time limited by law no application is made under sub-rule (1), the suit shall not abate as against the deceased plaintiff and the judgment may be pronounced notwithstanding his death which shall have the same effect as if it has been pronounced before the death took place, and the contract between the deceased and the pleader in that event shall continue to subsist".

Even though three of the writ petitioners have died during the pendency of the case in the High Court, the judgment in the High Court could have been pronounced notwithstanding the death of these three writ petitioners.

Under the circumstances, the applications are allowed.

Photo copy of the death certificate of deceased respondent nos. 2 & 3 in SLP(C) No. 23018 of 2009 be filed within four weeks.

| (KUSUM SYAL)
| SR.P.A
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| | (SHARDA KAPOOR)
| | COURT MASTER
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