

SECTION IV B

Ch.Matter  
Listed on.  
Court No.

IN THE SUPREME COURT OF INDIA Item No.  
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (CIVIL) NO. 138 OF 2014.

IN

INTERLOCUTORY APPLICATION NOS. 2

(Application for substitution to bring on record the Lrs.  
of deceased Petitioner no. 12)

AND

INTERLOCUTORY APPLICATION NOS. 3

(Application for condonation of delay in filing the  
substitution application to bring on record the Lrs. of  
deceased Petitioner no. 12)

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 29271 OF 2010 (Now CA  
No. 3022 OF 2014)

Sanjay Singh & Ors. ....Petitioner(s)

Versus

State of Haryana & Ors. ....Respondent(s)

OFFICE REPORT FOR DIRECTIONS

The matter above mentioned was listed before the  
Hon'ble Court in Chambers on 06.09.2013, when the Court  
was pleased to pass the following order:-

"There is a delay of 409 days in filing the  
application for substitution of the L.Rs of  
deceased Petitioner No.12.

I have carefully perused the reasons cited  
in the application to condone the delay in  
filing the application for substitution of  
L.Rs of deceased Petitioner No.12.

Having gone through the application  
carefully, I am of the firm opinion that the  
reasons offered by the learned counsel for the  
petitioner for condoning the delay in filing  
the application for substitution to bring the  
L.Rs of deceased Petitioner No.12 on record is  
not properly explained.

However, learned counsel appearing for the  
petitioner brings to my notice about the  
decision of the Constitution Bench of this  
Court in the case of Sardar Amarjit Singh  
Kalra (Dead) by Lrs. and Others vs. Pramod  
Gupta (Smt) (Dead) by Lrs. and Others,  
reported in 2003 (3) SCC 272. After careful  
reading of the aforesaid judgment and, in  
particular, the paragraphs 35 and 36, I am of  
the firm opinion that it would not assist the  
petitioner in any manner. In fact, in the said

decision, it has been said that in common appeals if for any reason the appellant has expired during the pendency of the appeal, the whole appeal does not abate and it abates only against the individual appellant. In that view of the matter, the reference made by the learned counsel for the petitioner is misplaced.

In view of the above, the I.A. Nos. 2 and 3 stands rejected."

The Hon'ble Court by order dated 06.09.2013 dismissed I.A. Nos. 2 and 3 seeking substitution of Lrs. deceased petitioner No. 12 and condonation of delay in thereof. Against said order of the Chamber Judge, Review Petition was filed on 07.10.2013 and is registered as R.P. 138 of 2014. Dr. Kailash Chand, Advocate has submitted a letter dated 23.04.2015 to withdraw the aforesaid Review Petition as the same has become infructuous.

It is further submitted that Special Leave Petition has been granted and Civil Appeal is dismissed by Hon'ble Court order dated 26.02.2014.

The Review Petition is listed before the Hon'ble Judge in Chambers with this office report.

Dated this the 8th day of May, 2015.

ASSISTANT REGISTRAR

Copy to :-

1. Dr. Kailash Chand, Adv.  
Library-2, Supreme Court of India
2. Dr. Monika Gusain, Adv.  
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