

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

I.A. Nos.2 and 3 in
Petition(s) for Special Leave to Appeal (Civil) No(s).29271/2010

(From the judgement and order dated 21/12/2009 in RFA No.2537/2005 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SANJAY SINGH & ORS. Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

(For substitution of deceased petitioner and c/delay in filing
substitution appln.)

Date: 06/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
(In Chambers)

For Petitioner(s) Mr. Nirmal Chopra,Adv.

Mr. S.K. Verma,Adv.

For Applicant(s)

Mr. S.K. Bansal,Adv.
Ms. Savita Bansal,Adv.
Dr. Kailash Chand,Adv.

For Respondent(s) Mr. Manjit Singh,Addl.Adv.Genl.

Mr. Tarjit Singh,Adv.
Mr. Kamal Mohan Gupta,Adv.

Dr. Monika Gusain,Adv.

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

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

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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.

[Alka Dudeja]
A.R.-cum-P.S.

[Vinod Kulvi]
Assistant Registrar