

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).4253/2019

THE STATE OF HARYANA &amp; ANR.

Appellant(s)

VERSUS

KAMLA &amp; ORS.

Respondent(s)

(LIST ONLY CA NO. 4254/2019 BEFORE CHAMBER JUDGE (application for substitution))

WITH

C.A. No.4254/2019 (IV)

(Only CA No. 4254 of 2019 to be listed before Hon'ble Judge in Chamber.

IA No. 64670/2022 - APPLICATION FOR SUBSTITUTION, IA No.64673/2022 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN., IA No.74262/2022 - EXEMPTION FROM FILING O.T., IA No.64671/2022 - SETTING ASIDE AN ABATEMENT)

Date : 13-03-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR  
[IN CHAMBER]

For Appellant(s) Mr. Rakesh K. Mudgal, AAG  
Mr. Rakesh Kumar Yadav, Adv.  
Mr. Dinesh K. Mudgal, Adv.  
Mr. Samar Vijay Singh, AOR  
Mr. Keshav Mittal, Adv.  
Ms. Amrita Verma, Adv.  
Ms. Sabarni Som, Adv.

For Respondent(s) Ms. Monika, Adv.  
Mr. Akshay Verma, AOR  
  
Mr. Rahul Gupta, AOR

UPON hearing the counsel, the Court made the following  
O R D E RC.A. No.4254/2019

It is stated that the Registry of this Court is insisting upon applications being filed for condonation of delay in bringing on

record the legal heirs of a deceased party even after abatement of the matter by efflux of time, owing to the failure to take steps in that regard within time.

Articles 120 and 121 in the Schedule to the Limitation Act, 1963, provide that, in the event an application is not filed within 90 days from the date of the death of a party to bring on record his legal heirs, the matter would stand abated and thereafter, an application would have to be filed within 60 days for setting aside such abatement. After the expiry of the aforestated period of sixty days, the delay that needs to be condoned would be in relation to the prayer to set aside the abatement and not in relation to bringing on record the legal heirs of the deceased party.

In that view of the matter, IA No.64673/2022, filed by the applicants to condone the delay in bringing on record the legal heirs of deceased respondent No.63 is misconceived and it is accordingly dismissed.

Mr. Rakesh Mudgal, learned counsel appearing for the applicants, seeks time to file an application for condonation of delay afresh in the light of the aforestated legal position.

List this matter after four weeks.

(ARJUN BISHT)  
COURT MASTER (SH)

(RANJANA SHAILY)  
COURT MASTER (NSH)