

RFA No. 351 of 2012

29.03.2018 Present: Mr. Pushpender, Advocate vice Mr. K.B. Khajuria, Advocate, for the appellant.

Mr. Arvind Sharma, Advocate, for respondents No. 1 to 4.

Mr. Desh Raj Thakur, Additional Advocate General with Mr. Kamal Kant, Deputy Advocate General and Mr. Rajat Chauhan, Law Officer, for respondents No. 5 & 6.

CMP No. 2423 of 2018.

By way of this application filed under Order 1 Rule 10 of the Code of Civil Procedure, prayer has been made for deletion of name of deceased respondents No. 2 & 4 and for bringing on record their legal representatives to pursue the surviving cause in the present *lis*. As per the averments made in the application, respondent No. 4 died on 01.01.20013, leaving behind Shri Kundan, Shri Madan Lal and Shri Man Singh as her legal heirs/legal representatives, who were already on record in the appeal as respondents No. 1 to 3 at the time of her death. It is further mentioned in the application that thereafter, respondent No. 2-Madan Lal, who was also a legal representative of deceased respondent No. 4, also expired on 09.04.2014. In these circumstances, prayer has been made to bring on record the legal heirs of deceased respondent No. 2-Madan Lal, also.

No reply is intended to be filed to this application.

Having heard learned Counsel for the applicant as also the learned Additional Advocate General and having perused the averments made in the application, the same is allowed and the names of deceased respondents No. 2 & 4 are ordered to be deleted from the array of the respondents. Further, it is ordered that the proposed legal representatives of deceased respondent No. 2, whose details are mentioned in para-3 of the application, are ordered to be substituted as respondents No. 2(a) to 2(d) in place of respondent No. 2. It is clarified that the other surviving legal representatives of deceased respondent No. 4 are already on record as respondents No. 1 & 3. The application stands disposed of in above terms. Amended memo of parties is ordered to be taken on record.

CMP No. 2424 of 2018.

By way of this application, the applicants have prayed for release of the award amount, which now stands deposited by the non-applicant in the Registry on the ground that the appeal, in which the amount so deposited by the appellant/non-applicant, stands already decided by this Court.

No reply is intended to be filed to this application. Accordingly, taking into consideration the averments made in the application and also the fact that the appeal in which the amount so deposited by the appellant/non-applicant, stands already decided by this Court, this application is allowed. Registry is directed to release the balance amount, which is lying deposited with it, in favour of the applicants with up to date interest as per their respective shares in their bank accounts, details of which are provided in para-7 of the application. The application stands disposed of in above terms.

CMPs (M) No. 1651, 1799 of 2017 & CMPs No. 9944, 9945, 11216 of 2017.

Learned Counsel for the applicants prays that he may be permitted to withdraw the present applications in view of the orders of the even date, passed in CMPs No. 2423 & 2424 of 2018. Prayer allowed. Accordingly, these applications are dismissed as withdrawn.

March 29, 2018
(hemlata)

(Ajay Mohan Goel)
Judge

