

CMP No.898 of 2020 in RFA No.352 of 2015

31.08.2021 Present: Mr. Romesh Verma, Advocate, for the applicants/appellants.

Mr. Adarsh Sharma, Mr. Sumesh Raj, Additional Advocates General, with J.S. Guleria, Mr. Kamal Kant Chandel, Deputy Advocates General, for respondents No.1 and 3.

Mr. Ramesh Sharma, Advocate, for non-applicant/ respondent No.2.

CMP No.3452 of 2018

Mr. Romesh Verma, learned counsel appearing for the applicants submits that this application under Order 1, Rule 10 of the Code of Civil Procedure Code stood filed during the pendency of the first appeal, with the prayer that name of appellant No.6 be ordered to be deleted from the array of appellants, as she died during the pendency of the reference proceedings and her legal representatives are already on record and her estate was duly represented. He states that though the appeal now stands decided by the Court, but no formal order has been passed in the application and it will be interest of justice in case this application is allowed, as prayed for, so that necessary correction in the memo of parties

be carried out.

Having heard learned counsel for the applicants as well as learned Additional Advocate General, as the prayer made in the application is innocuous and further as the Court is of the view that it was also the duty of the Court to have had ascertained with regard to the applications, which were pending as on the date when the interim order has been passed, it will be in the interest of justice to pass appropriate orders on this application. Ordered accordingly.

This application is disposed of by ordering deletion of the name of appellant No.6 in the array of the appellants and by taking the factum of her legal representatives already on record as appellants No.1 to 5.

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By way of this application, the applicants have prayed for release of amount of compensation of their respective shares, in their favour alongwith up-to-date interest, on the ground that the appeal already stands decided.

Learned counsel for the applicants submits that the amount be ordered to be released in the bank accounts of applicants No.1 and 2 only, as applicants No.3 and 4 have given an undertaking that they have no objection in case the entire amount is deposited equally in the accounts of applicants No.1 and 2.

This Court is of the considered view that it will be in the interest of justice, in case the order is to the effect that the Registry shall deposit the respective shares of all the applicants in their bank accounts with up-to-date interest and thereafter, it is *intra* the parties to settle as to amongst them who should get the money. Therefore, though the prayer made in this application for release of the amount with up-to-date interest is allowed, but it is ordered that the Registry shall deposit the respective shares of all the applicants in their respective bank accounts, details of which, if already not supplied, be supplied within a week. The application stands disposed of.

*(Ajay Mohan Goel)
Judge*

August 31, 2021
(Rishi)