

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CMP(M) No. 1285 of 2019

Decided on: 30th August, 2019

Deepti Bansal

.....Applicant.

Versus

Shanti Devi & others.

....Respondents.

Coram:

The Hon'ble Mr. Justice Sureshwar Thakur, Judge.

Whether approved for reporting?¹

For the appellant:

Mr. Lalit K. Sharma, Advocate,

For the respondents:

Mr. Gobind Korla, Advocate, for
respondents No. 1 to 4.

Mr. Ashish Thakur, Advocate, for
respondent No.6.

Mr. Jagdish Thakur, Advocate, for
respondent No.7.

Sureshwar Thakur, Judge (Oral):

Even though, the demise of co-respondent No.5, one Rattani Devi, occurred, during the pendency of the MAC Petition No. 57, of, 2017, before the learned Motor Accident Claims Tribunal (I), Una, District Una, H.P., and, when during the pendency of the afore MAC Petition, before the learned

¹ Whether reporters of the local papers may be allowed to see the judgment?

Tribunal concerned, despite the, demise of the afore deceased litigant hence thereat, occurring, she was, not substituted, by her LRs, (a) thereupon, when the instant application filed before this Court, hence seeking substitution of, the, deceased litigant concerned, by her LRs, is, not maintainable, (ii) nonetheless, after condoning, the delay in, the, filing an appeal against MAC Petition No. 57 of 2017, before this Court, and, after assigning registration number, thereto, the impugned award, warrants its being quashed and set aside, it being rendered against a dead person, hence for, facilitating, the, making, of, the hereinafter rendition, qua, and, by the remandee Court.

2. Consequently, the litigant concerned is directed, to, make an appropriate motion before the learned MACT concerned, for substitution, of, deceased co-respondent No.5, by her LRs, and, after a decision being made therein, in accordance with law, the learned MACT concerned, is, directed to record a fresh decision, upon, MAC Petition No. 57 of 2017. All pending application, if any, also stand disposed of.

30th August, 2019
(kck)

**(Sureshwar Thakur),
Judge.**