

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMPMO No. 453 of 2016

Decided on : 31.7.2019

Man Singh and others

...Petitioners

Versus

State of H.P. and others

...Respondents

Coram

Hon'ble Mr. Justice Sureshwar Thakur, Judge.

Whether approved for reporting?

For the petitioners : **Mr. Subhash Sharma, Advocate,
for the petitioners.**

For the respondents.: **Mr. Hemant Vaid, Addl. A.G. with
Mr. Y.S. Thakur and Mr.Vikrant
Chandel, Dy.AGs, for the
respondents No. 1 to 4.**

**Mr. G.R. Palsra, Advocate, for
respondents No. 5 to 8.**

**Respondents No. 9 to 16, 18 to
23 and 25 to 27, 24, 28 and 29
are ex-parte.**

Sureshwar Thakur, Judge (oral)

Respondents No. 30, 32 and 33, despite service neither present in person nor represented by any counsel, hence they are proceeded against ex-parte.

CMP(M) No. 381 of 2019

During the pendency of the instant petition, co- petitioner No. 5, expired on 1.1.2017, . Some delay has occurred in the

institution of the instant application, for begetting her substitution by his LRs, however, the delay has been sufficiently explicated, thereupon the apposite delay is condoned. Since for the continuation of the instant petition, the substitution of deceased co- petitioner, by his LRs, as detailed in paragraph-2 of the application, is imperative. Consequently, the application is allowed, and, the legal representative(s) of deceased co- petitioner No. 5, is/are permitted to be substituted in his place, in the apposite array of co-respondents. Abatement, if any, is set aside. The application stands disposed of.

CMP(M) No. 593 of 2019

Demise of co-respondent No. 17, is stated, to, occur, on 19.9.2016. The afore factum is divulged by the death certificate, appended with the application, and is, borne in Annexure AX. Since the demise of the afore litigant, has occurred, during the pendency of the proceedings, drawn by the learned Divisional Commissioner, Mandi, proceedings whereof stand culminated in the order rendered, by him, on 5.10.2016, (a) and when there is no material placed on record, that the requisite motion, was cast therebefore, nor obviously hence when no order was made, upon, the requisite application. Hence, the instant application is only maintainable before the Court, of, the learned Divisional Commissioner, Mandi. Thereupon, the orders, borne in Annexure P-7 are set aside, and, the matter is remanded to the learned Divisional Commissioner, Mandi, and, the latter shall,

after making a decision, in accordance with law, upon an application instituted before him, under, the provisions of Order 22 Rule 4 and 9 CPC, shall, thereafter, proceed to record a fresh decision, in accordance with law, upon case No. 12 of 2013. The application stands disposed of.

CMPMO No. 453 of 2016

In view of the orders, recorded upon CMP(M) No. 593 of 2019, the petition stands disposed of. The parties are directed to appear before the learned Divisional Commissioner, Mandi, on 20.8.2019. All pending application(s), if any, are also disposed of. No costs.

(Sureshwar Thakur)
Judge

July 31, 2019
Kalpana