

**CMP No. 6877 of 2021 in
RFA No. 100 of 2013**

30.6.2021 Present: Mr. Jagdish Thakur, Advocate, for the appellant/non-applicant.

Ms. Veena Sharma, Advocate, for respondents Nos. 1 to 4/applicants.

Mr. Sudhir Bhatnagar and Mr. Arvind Sharma, Additional Advocates General with Mr. Kunal Thakur, Deputy Advocate General, for the respondent-State.

THROUGH VIDEO-CONFERENCING

CMP No. 6877 of 2021

By way of instant application, prayer has been made on behalf of applicants/proposed respondents, for their substitution in place of deceased respondent No.1-Nand Lal. Learned Counsel appearing for the appellant fairly states that he does not intend to file reply to the application and has no objection in case, prayer made therein is allowed.

Having perused the averments contained in the application, which is duly supported by an affidavit, as also the documents annexed with the application i.e. legal heir certificate, this Court finds that respondent No.1-Nand Lal has expired on 23.11.2018 leaving behind legal representatives as detailed in para-3 of the application. Since applicants are legal representatives of respondent No.1 and right to sue survives in their favour, there appears to be no impediment in accepting the prayer made in the present application and same is allowed. Legal representatives as detailed in para-3 of the application are ordered to be brought on record and substituted in place of respondent

No.1-Nand Lal, whose name is otherwise ordered to be deleted from the array of parties. Registry to make necessary corrections in the memo of parties, on the basis of amended memo of parties filed by the applicants. Application stands disposed of.

CMP No. 6878 of 2021

By way of this application, prayer has been made on behalf of respondents No. 1(a) to 1(c) i.e. legal representatives of respondent No.1, for the release of amount lying deposited in the Registry of this Court, falling to the share of respondent No.1. Learned Counsel appearing for the appellant fairly states that he does not intend to file reply to the application and has no objection in case, prayer made therein is allowed.

Having perused the averments contained in the application, which is duly supported by an affidavit, this Court finds that RFA No. 100 of 2013 was finally decided by this Court vide judgment dated 6.4.2018. Since no further appeal etc. has been filed by either of the parties against the said judgment, same has attained finality, as such, there appears to be no impediment in accepting the prayer made in the present application and same is allowed.

In view of above, Registry is directed to release the amount falling to the share of respondent No.1-Nand Lal, in equal shares in favour of respondents Nos. 1(a) to 1(c), and remit the same into their saving bank accounts, details

whereof are given in para-9 of the application, subject to verification by the Accounts Branch. Application stands disposed of.

(Sandeep Sharma)
Judge

June 30, 2021
(vikrant)