

Court No. - 4

Case :- SECOND APPEAL No. - 517 of 2007

Appellant :- Ghasita Khan And Othes

Respondent :- Abdul Since Deceased And After Him Naseem And Others

Counsel for Appellant :- Mohd. Arif,M.A. Qadeer,Mohd. Wasim,R.C.Srivastava

Counsel for Respondent :- Anuj Kumar Sharma,Anurag Khanna,Nipun Singh

Hon'ble Prakash Padia,J.

Order on Civil Misc. Delay Condonation Application No.4 of 2022

1. Heard learned counsel for the parties and perused the record.
2. Cause shown for the delay in filing the substitution application is sufficient. The delay is condoned.
3. The application is allowed.

Order on Civil Misc. Substitution Application No.5 of 2022

1. This application has been filed with a prayer for substituting the heirs and legal representatives of appellant no.3- Mangta, who is said to have died on 26.2.2022, living behind his legal heirs/representatives, name contained in prayer clause of the affidavit.
2. Learned counsel for the respondents has no objection.
3. For the reasons given in the accompanying affidavit, the substitution application is allowed.
4. Let the heirs and legal representatives of deceased- appellant no.3- Mangta, mentioned in prayer clause of the affidavit accompanying the substitution application namely Aas Mohd., Zeeshan Ahmad and Faizan, be substituted as appellant nos. 3/1 to 3/3 in the instant appeal.
5. Learned counsel for the appellants is directed to make necessary substitution during the course of the day.

Order on Appeal

1. The compromise application has been filed with the joint affidavit of appellant no.1- Ghasita Khan, and respondent no. 1/1 Naseem.
2. It is stated in the aforesaid affidavit that after filing of the present second appeal, the parties have entered into a compromise on 17.6.2023. Original copy of the compromise is annexed as Annexure No. (1) to the affidavit filed in support of the compromise application.
3. In this view of the matter is argued by learned counsel for the parties that the present second appeal be disposed of in terms of the compromise dated 17.6.2023 made between the parties.
4. Considering the submissions made by counsel for the parties, without going into the merits of the appeal and with the consent of the parties, the present second appeal is disposed in terms of the compromise entered between the parties as stated above.

Order Date :- 18.10.2023

S.K.