

Dayanand (deceased) vs. Chuni Lal

**CMP (M) No. 48/2026 & CMP No.1126/2026 in
RSA No. 410/2014**

22.09.2026

Present: Mr. B.L. Soni and Mr. Nitin Soni, Advocates, for the applicants.

Ms. Tamanna, Advocate, vice counsel for respondent No.1.

Mr. Aman Sood, Advocate, for respondent No.2.

Mr. Neeraj Gupta, Sr. Advocate with Mr. Pranjali Munjal, Advocate, for respondent No.3, who is stated to have died.

CMP (M) No. 48/2026 & CMP No.1126/2026

By medium of CMP(M) No. 48/2026, the applicants have sought condonation of delay in filing CMP No.1126/2026 for recalling order, dated 09.10.2023, as passed in RSA No. 410/2014 stating therein that when the appeal came up for consideration on 24.07.2023, it was disclosed that the sole appellant, namely, Dayanand had died on 13.02.2020. The Court had granted time to take consequential steps on the death of appellant, however on 09.10.2023, learned counsel for the appellant placed on record a copy of letter and submitted that despite his repeated efforts, none has come forward to instruct him, on the basis of which order, dated 09.10.2023 came to be passed.

As per the applicants, letter, dated 13.07.2023 did not disclose about factum of death of the appellant and instructions were sought only qua deposit of money in the Court for the period 2019-2023. The deceased appellant was conservative by nature and did not disclose anything about the pendency of any matter in any court during his

life time. It has been averred in the application that the applicants, being legal heirs of the deceased are villagers and not well conversant with the niceties of law that the legal representatives of deceased appellant were required to be brought on record. Therefore, the aforesaid delay is neither intentional nor deliberate, but the same has occurred on account of unavoidable circumstances.

The learned counsel for the non-applicants have no objection for the instant applications being allowed.

For the reasons stated in CMP(M) No. 48/2026, more particularly in paras 3 to 11 thereof, which is duly supported by an affidavit, I find sufficient reasons to condone the delay and recall the order, dated 09.10.2023. Ordered accordingly. Consequently, order, dated 09.10.2023, as passed in RSA No. 410/2014, is recalled and the appeal is restored to its original number. Both applications stand disposed of accordingly.

CMP (M) Nos. 2022 and 2023/2025

The instant applications have been filed for condonation of delay and for bringing on record the legal representatives of the sole appellant, Dayanand, who has expired on 13.02.2020 as is evident from legal heirs certificate of deceased appellant appended with CMP (M) No. 2022/2025 and respondent No. 3, Baman Dev, who has expired on 09.10.2020 as is evident from death certificate and legal heirs certificates of deceased respondent No.3 appended with CMP (M) No. 2023/2025.

The learned counsel for the non-applicants have no objection for the instant applications being allowed.

For the reasons stated in the applications, more particularly in paras 3 to 11 thereof, which are duly supported by affidavit (s), I find sufficient reasons to condone the delay and set aside abatement. Ordered accordingly. Consequently, the legal representatives of deceased appellant, as mentioned in para 5 of CMP(M) No. 2022/2025 and legal representatives of deceased respondent No.3, as mentioned in para 5 of CMP (M) No. 2023/2025, are ordered to be brought on record as appellant Nos.1(a) to 1(c) and respondent Nos. 3(a) to 3(d) respectively, subject to all just exceptions. Both applications stand disposed of accordingly.

RSA No. 410/2014

Learned counsel for the appellants undertakes to file fresh memo of parties within ten days. Issue notice to respondent Nos. 3(a) to 3(d) returnable within four weeks, on taking steps within three days. List thereafter.

(Romesh Verma)
Judge

22.09.2026
(pankaj)

