

LAC & another vs. Amar Nath & Others

CMPs No.26727 & 26729 of 2025 in RFA No.142 of 2018

17.08.2026 Present: Ms.Archana Negi, Deputy Advocate General, for the non-applicants/appellants.

Ms. Veena Sharma, Advocate, for the applicants/respondents.

CMP No.26727 of 2025

The present application under Order 1 Rule 10 CPC has been filed by the legal representatives of deceased respondent No.3, Devi Ram, who has died on 03.08.2022 and deceased respondent No. 4, Devi Singh, who has died on 17.10.2023, for their impleadment in their place. The application is duly supported with the affidavit of Brij Lal, son of deceased Devi Ram.

Learned Deputy Advocate General submitted that she doesn't intend to file any reply to the present application and has no objection, in case, the same is allowed.

Heard. Since respondents No.3 & 4 namely Devi Ram and Devi Singh, have expired on 03.08.2022 and 17.10.2023, as is evident from the death certificates and legal heirs certificate, copies whereof annexed with the application as Annexures P-1 to P-3, the present application

is allowed and applicants as mentioned in Paras-3 & 5 of the application, are ordered to be substituted in place of deceased respondents No.3 & 4, whose names are otherwise ordered to be deleted from the array of the parties. Amended memo of parties filed with the application, is ordered to be placed on record.

Application stands disposed of.

CMP No. 26729 of 2025

The present application under Section 151 of CPC, has been filed by the applicants/respondents No.1,2, 3(i) to 3(vi), 4(i) to 4(iii) & 5, namely Amar Nath, Ram Singh, Niki Devi@ Nikki Devi, Savitri Devi, Brij Lal, Shiv Dei, Rama Devi, Sunita Devi, Ram Chand Sant Ram Nirmla Devi and Desh Raj, for release of awarded amount in their favour, as per their shares, as lying deposited in the Registry of this Court. The application is duly supported with affidavits of all the applicants.

As per the applicants, they are poor and have got no sufficient source of income to meet out their day to day expenses as well as expenditure likely to be incurred on rehabilitation and, therefore, are in urgent need of money. Hence, their prayer for release of amount of compensation,

as lying deposited in the Registry of this Court, may be accepted and the amount, as prayed for, may be ordered to be released in their favour.

Learned Deputy Advocate General, stated that she doesn't intend to file any reply to the application, but has objected the same on the ground that an SLP has been preferred against the impugned judgment dated 04.01.2025, passed by this Court and no stay has been granted till date.

Heard. Having perused the averments made in the application, which are duly supported with the affidavits of the applicants as well as in view of the aforesaid submission made by learned Deputy Advocate General, this Court finds it in the interest of justice to release 50% each of the awarded amount of compensation in favour of applicants/respondents No.1,2, 3(i) to 3(vi), 4(i) to 4(iii) & 5, namely Amar Nath, Ram Singh, Niki Devi@ Nikki Devi, Savitri Devi, Brij Lal, Shiv Dei, Rama Devi, Sunita Devi, Ram Chand Sant Ram Nirmla Devi and Desh Raj, alongwith up-to-date interest, as per their respective shares after proper verification and identification by remitting the same to their saving bank accounts, detail whereof has been given in Para-10 of the application, however the same shall be

subject to applicants' furnishing security to the satisfaction of the learned Registrar General of this Court, undertaking therein that in case the non-applicants/appellants succeed in the SLP, the amount of compensation released in their favour, shall be recovered/adjusted against the amount of security, so furnished by them.

Needles to say that the release of the awarded amount, shall be subject to final outcome of the SLP pending before the Hon'ble Supreme Court.

Application stands disposed of.

(Sushil Kukreja)
Judge

August 17, 2026
(reena)