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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 3800 of 1999

Date of decision: 18.11.2015

Ram Avtar and others

.....Appellants

versus

Dharam Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice K.Kannan

Present: Mr. Lalit Sharma, Advocate
for the appellants.

Mr. Kamal Mor, Advocate for
Mr. Ram Darshan Yadav, Advocate
for the respondents.

K.Kannan, J.(Oral)

The appellant seeks for an adjournment on the ground that the Ist appellant has died. This representation was made even before the pre-Lok Adalat as early on 15.02.2013.

Mr. Lalit Sharma, Advocate says that he was engaged by a representative of the Ist appellant deceased two days earlier and seeks for time. I do not believe in the bona fides of such a plea having regard to the fact that all the appellants have not died and the amended provisions of Order 22 Rule 3 mandates the representative of the deceased to take action for impleadment and allows also to make a fiction to be drawn that a person who is dead shall be deemed to be alive for the purpose of prosecution of suit or appeal.

The case is of the year 1999 and the execution of the decree has been stayed already. A plea for an adjournment under such circumstance is not fair or appropriate especially when the list is prepared and notified every

half year or at such times when new roster is drawn. Counsel is not prepared to argue when I informed the counsel that steps for impleadment could be taken but he should be prepared to argue but the counsel is not prepared to argue.

The appeal is dismissed.

18th November, 2015
Shivani Kaushik

[K.KANNAN]
Judge