

Kamaljit Kaur and another Vs. Naginder Singh & others

Present : None for the appellants.

Mr. Rakesh Chopra, Advocate
for respondent No.2.

Mr. Pradeep Kumar, Advocate
for respondent No.3.

CM-7810-CII-2013

This is an application for condonation of delay of 629 days in filing the appeal.

In my opinion the delay is condoned subject to the condition that in the event of enhancement the appellant will not be entitled to any interest for the period of delay.

CM stands allowed.

FAO-1330-2013

Learned counsel for respondent No.3 has pointed out that in this case the appellant-claimants have also challenged the finding of contributory negligence. However respondent No.1-Driver has died but since he was the paid driver of respondent No.2 who is served. Service upon respondent No.1 may be exempted.

I find weight in this argument. Consequently the appellant is exempted from impleading the LR's of respondent No.1.

Admitted.

May 2, 2016
pooja sharma-I

(AJAY TEWARI)
JUDGE