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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 473/2015

LACHMAN SINGH (DECEASED) REPRESENTED

THR HIS LEGAL HIERS KAREMO BAI Appellant

Through: Mr. Satish Pandey with Mr. Abdul
Qadir, Advs.

Versus

STATE OF GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. Gurman Chahal, Adv. for
R-1 & 2/GNCTD.

Mr. Vishal Mahajan with Mr. S.S. Rai, Advs. for
R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **19.01.2017**

This appeal is directed against the order of the learned Single Judge dated 23.02.2015 in CM Nos.2978/2015 and 2979/2015 declining to condone the delay of 446 days in filing the application for restoration of W.P.(C) No.4100/2010 and thus dismissing the application for restoration of the writ petition.

The said writ petition was filed on 14.05.2010 with a prayer to direct the respondents to grant the Freedom Fighter's pension to the writ petitioner. By order dated 11.10.2013, the writ petition was dismissed for default.

The wife of the writ petitioner/Lachman Singh filed applications for restoration of the writ petition after condoning the delay in filing the same. It is pleaded that her husband/writ petitioner died on 26.03.2013 and that she being the legal representative may be brought on record.

As mentioned above, the said applications (CM Nos.2978/2015 and 2979/2015) were dismissed by the learned Single Judge by the order under appeal dated 23.02.2015 observing that no sufficient reasons are shown for condonation of inordinate delay of 446 days or for restoration of the writ petition. Hence this appeal by Smt. Karemo Bai, the widow of the writ petitioner Lachman Singh.

We have heard the learned counsel for both the parties.

At the outset, it is brought to our notice by the learned counsel for the respondents that Smt. Karemo Bai/the applicant also died on 10.10.2016. The said fact has not been disputed by the learned counsel for the appellant. However, he sought time to take steps to bring on record the other legal representatives of the deceased writ petitioner.

Having regard to the fact that the relief sought in the writ petition was grant of Freedom Fighter pension and that both the writ petitioner/Lachman Singh and his wife Karemo Bai who filed the application for restoration of writ petition expired during the pendency of the proceedings, we are of the view that the cause in the writ petition does not survive and it is not necessary to keep the proceedings pending any longer. Even on merits, we do not find any justifiable reason to interfere with the finding of the learned Single Judge that no sufficient cause is made out to condone the inordinate delay of 446 days in filing the application for restoration of the writ petition.

The appeal is accordingly dismissed.

CHIEF JUSTICE

JANUARY 19, 2017/kks
LPA No.473/2015

SANGITA DHINGRA SEHGAL, J
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