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

Decided on: 7th November, 2017

+ **MAC.APP. 720/2015**

HARI KISHAN & ANR Appellants

Through: Ms. Garima Prashad, Adv.

versus

FARZANA & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. By the impugned judgment dated 24.07.2015, the tribunal had granted compensation, apportioning the award amongst the seven claimants, shown in the array as respondents in the appeal. On 07.04.2016, it was pointed out by the counsel representing the other claimants that the sixth respondent had passed away. The appellants took adjournment for taking appropriate steps. This request being repeatedly made, the matter was adjourned by the Joint Registrar awaiting appropriate application on several dates including 28.07.2016, 28.11.2016, 23.03.2017 and finally on 20.07.2017. No steps having been taken, the Joint Registrar has passed the last order placing this case before this court with the opinion that the appeal has abated qua the said respondent.

2. Since the cause of action was common, no steps having been taken to substitute the deceased respondent, the appeal would abate. These proceedings are accordingly closed.

3. The amount deposited by the appellant in terms of order dated 16.09.2015 shall be passed over by the registry to the tribunal with accrued interest for further necessary directions towards satisfaction of award. The tribunal may be approached by the claimants by appropriate application with regard to the allocation of the share of the deceased sixth respondent.

4. The statutory deposit shall be refunded.

5. The appeal is disposed of in above terms.

NOVEMBER 7, 2017
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R.K.GAUBA, J.