

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RFA No.1911 of 2019 (O&M)
Decided on : 23.05.2019**

Smt. Shanti (since deceased) through her legal heirs and others

... Appellants

Versus

Om Parkash and others

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. S.K. Tripathi, Advocate
for the appellants.

G.S. Sandhawalia, J. (Oral)

CM-4740-CI-2019

Application for condoning the delay of 461 days in filing the appeal has been filed.

The plea taken is that the petition has been filed against dead persons namely predecessor of the applicants Smt. Shanti and Smt. Anguri Devi, on which account the delay has occurred in filing the appeal against the Award dated 24.10.2017 of the Reference Court, Mewat.

Keeping in view the above, sufficient cause has been made out for condoning the delay. Accordingly, the application is allowed and the delay of 461 days in filing the appeal is condoned.

CM stands disposed of.

CM-4741-CI-2019

The present application has been filed for impleading the legal representatives of the deceased Smt. Shanti-appellant No.1 and Smt. Anguri Devi-appellant No.2. The names of legal representatives have been

mentioned in paragraph Nos. 2 and 3 of the application, respectively. It has also been mentioned that there is no other legal heir of the appellants except the applicants mentioned in paragraph Nos.2 and 3. The application is supported by the affidavit of Subhash Chand son of deceased Anguri Devi.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph Nos.2 and 3 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

Main appeal (O&M)

On 07.05.2019, the following contentions were noted:-

“It is submitted that Shanti and Anguri Devi were proceeded against *ex parte* who had already died at the time of filing of the reference petition.

In such circumstances, whether filing of application before the Reference Court would be more appropriate or not, is the issue which would require consideration.

Counsel prays for time to seek instructions on behalf of the appellants who are legal heirs of Shanti Devi and Anguri Devi, who were respondent Nos.3 and 4 before the Reference Court.

Adjourned to 13.05.2019.”

Counsel submits that keeping in view the above, he would wish to withdraw the appeal with liberty to approach the Reference Court

for redressal of his grievances.

Dismissed as withdrawn. Liberty is accordingly granted to
proceed in accordance with law.

MAY 23, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No