

RSA-834 of 2013(O&M)

Date of Decision:22.5.2019

Gurmat Singh and others

---Appellants

vs.

Bhagwan Singh alias Mangu and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Atul Goyal, Advocate
for the appellants
Mr. Rajesh Narang, Advocate
for respondent Bhagwan Singh and Lrs. of Surjit Singh

Rekha Mittal, J.

CM 2300 C of 2013

Prayer in this application is for deletion of name of respondent - Surjit Singh, alleged son of Chand Kaur and daughter of Santa Singh from the array of parties.

Counsel for the applicants/appellants would urge that Surjit Singh was impleaded as appellant No. 2 in the appeal before the first appellate Court and he died on 2.07.2012. On his death, no application was filed for bringing on record legal representatives of Surjit Singh nor factum qua death of Surjit Singh was brought to notice of the Court. It is further argued that as plaintiffs/applicants/appellants were not aware of legal representatives of Surjit Singh, his name may be deleted from array of respondents.

Counsel for the non-applicant/respondent No. 1 would argue that as Surjit Singh was contesting defendant in the suits and he was one of the appellants before the first Appellate Court, there is no question of deletion of his name from array of respondents.

Heard.

Counsel for the applicants/appellants has not disputed that Surjit Singh was one of the contesting defendants in both the suits. The decision thereof became challenge in appeals before the first Appellate Court. That being so, contention raised by the applicants/appellants for deletion of name of Surjit Singh from the array of respondents is misconceived and accordingly rejected.

Disposed of accordingly.

CM 4462 C of 2019

Prayer in this application is for impleading legal representatives of Surjit Singh (since deceased).

Heard.

Allowed as prayed for, subject to just exceptions.

Persons mentioned in para No. 5 of the application are allowed to be brought on record as legal representatives of Surjit Singh, for the purpose of present lis.

Amended memo of Parties be filed in the Registry of the Court.

Disposed of.

Main case

For orders, see RSA No. 873 of 2013 titled “Gurmit Kaur and others vs. Bhagwan Singh alias Mangu and others”, decided on even date.

(Rekha Mittal)
Judge

22.5.2019
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No