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

% *Judgment delivered on: 24.07.2019*

+ CM(M) 1316/2018, CM APPL. 45191/2018, CM APPL. 45192/2018
& CM APPL. 8212/2019

PARSHU RAM

..... Petitioner

Through: Mr. Sunil Kumar Verma, Advocate.

versus

ANIL & ORS

..... Respondents

Through: Mr. R.K. Tripathi, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

The learned counsel for the petitioner submits that petitioner no. 1 passed away two days ago. Therefore, his LRs would need to be brought on record for disbursement of the amounts settled before the Lok Adalat.

Mr. R.K. Tripathi, the learned counsel for respondent no. 3/The New India Assurance Company Ltd. objects to any such relief, on the ground that the settlement before the Lok Adalat on 22.04.2018 would be *void ab initio* because it was signed by counsel, on behalf of the claimants Smt. Mano Devi and Sh. Parshu Ram, when Smt. Mano Devi had already passed away two days earlier.

Mr. Sunil Kumar Verma, the learned counsel for the petitioner has voluntarily intimated the Court that on 25.04.2018 he was informed by one of the prospective LRs i.e. son of the deceased parents that his mother had

passed away on 20.04.2018. That being the position, it would have been prudent for the counsel of the claimants, to have sought for recall of the settlement before the Lok Adalat, because the settlement could not have been made on behalf of a dead person, without impleading the LR's of the deceased. Instead, he moved an application before the learned Tribunal seeking impleadment of the LR's but the said application was withdrawn. They now seek an order from this Court for impleadment of LR's as if this Court is a Court of first instance.

In view of the above, there is no impugned order because the appellants had themselves withdrawn the application for impleadment before the learned MACT.

The petition is without merit and is accordingly dismissed.

JULY 24, 2019
RW

NAJMI WAZIRI, J

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