

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MA No. 67 of 2019

M. Laxmi Rao **Versus** Smt. Madhumita Ji Murty

21.09.2020	Allegedly sole appellant died. Earlier on behalf of appellant Ms. Vaishali Mahilong, counsel for applicants/ proposed legal heirs was appearing. Mr. Pravin Kumar Tulsyan, counsel for respondents No.1 to 3. Mr. D. C. Verma, G. A. for respondent No.4/State. Heard on I.A.No.2/2020, application under Order 22 Rule 3 of Civil Procedure Code for bringing the legal heirs of deceased appellant on record. As per I.A.No.2 sole appellant died on 19.12.2019. I.A.No.2 filed on 03.07.2020. As per provisions of Article 120 of Limitation Act, the period of limitation to bring the legal representative of a deceased appellant/respondent is 90 days which start from the date of death of deceased appellant/respondent. In the case in hand, I.A.No.2 filed after the expiration of prescribed period of limitation. In the case in hand appeal is abated. Proposed legal heirs neither filed any application to set aside the abetment nor any application to condone the delay for filing the application to set aside the abetment. At this stage counsel for the appellant submitted that she will file the application. Record be sent to the record room. Sd/- (Sharad Kumar Gupta) Judge

parul