

**General Manager Northern Railway Vs.
Subhash Chand & Ors.**

**CMP Nos.7482, 7484, 7485, 7486, 7685, 7686,
7687, 7688, 8541, 8542, 13838, 13839, 13840 &
13842 of 2024**

04.10.2024 Present: Mr. Shiv Pal Manhans, Senior Panel Counsel, for
the non-applicant/appellant.

Mr. Naresh Thakur, Sr. Advocate with Mr. Divya
Raj Singh, Advocate, for the applicants

Mr. B.N. Sharma, Mr. R.K. Negi and Mr.
Diwakar Dev Sharma, Addl. Advocates General
with Mr. R.P. Singh, Mr. Gautam Sood and Mr.
Manish Thakur, Dy. Advocates General, for the
respondents No.21 and 2/State.

CMP No.8541 of 2024

No reply is intended to be filed on behalf of
non-applicant/appellant. Other than the aforesaid, the
non-applicant/appellant has no objection, if in case legal
heir of deceased respondent No.3 is impleaded as a party.
The non-applicant/appellant also has no objection, if
money, which is lying deposited in the Registry, is ordered
to be released in favour of the applicant.

From the death certificate appended along with
the present application, it is evident that respondent No.3-
Jagan Nath had died on 06.06.2017. Deceased respondent
No.3 is survived by Shailash Sharma. The same is evident
from the legal heir certificate placed on record at page 227
of the paper book.

Other than the aforesaid, in order to establish
his claim of being the only legal heir of deceased

respondent No.3-Sh. Jagan Nath he has placed on record order passed in the probate proceedings. Besides the aforesaid, the revenue record (jamabandi) has been placed on record whereof it is evident that the property has now been bequeathed in favour of Shailaesh Sharma (Applicant).

Since the right to claim inheres in the applicant, therefore, the present application is allowed and applicant is permitted to be impleaded as a legal heir of deceased respondent No.3.

Other than the aforesaid, for the reasons stated in the application, the amount, which is lying deposited with the Registry of this Court is ordered to be released to the applicant along with the proportionate interest accrued thereupon. The share be remitted along with proportionate interest accrued thereupon, the detail is given in para 4 of the application. The amount be remitted to the bank account, details whereof have been given in para 5 of the application, subject to proper verification of his identity. Application stands disposed of.

CMP No.7485 of 2024

No reply is intended to be filed on behalf of non-applicant/appellant. The non-applicant/appellant has no objection, if in case legal heirs of deceased respondent No.4 impleaded as party and also has no objection, if

money, which is lying deposited in the Registry, is ordered to be released in favour of the applicants.

From the death certificate appended along with the present application, it is evident that respondent No.4- Amar Nath had died on 19.03.2019. The same is evident from the death certificate appended along with the application. The legal heirs of deceased respondent No.4 is evident from the legal heir certificate placed at page 229 of the paper book.

Since the right to claim inheres in the applicants, therefore, the present application is allowed and applicants are permitted to be impleaded as legal heirs of deceased respondent No.4.

Other than the aforesaid, for the reasons stated in the application, the amount, which is lying deposited with the Registry of this Court is ordered to be released to the applicants along with the proportionate interest accrued thereupon. It is made clear that each legal heir would be entitled to 1/5th share out of the share of deceased respondent No.4-Amar Nath. The amount be remitted to the bank accounts, details whereof have been given in para 5 of the application, subject to proper verification of their identities. Insofar as other applicants are concerned, amount be remitted to the bank accounts, details whereof shall be furnished by the other remaining

three legal heirs with affidavits. Application stands disposed of.

CMP No.7687 of 2024

No reply is intended to be filed on behalf of non-applicant/appellant. The non-applicant/appellant has no objection, if in case legal heir of deceased respondent No.6 impleaded as party and also has no objection, if money, which is lying deposited in the Registry, is ordered to be released in favour of the applicants.

From the death certificate appended along with the present application, it is evident that respondent No.6- Mukhtiari Devi had died on 25.09.2017. The same is evident from the death certificate appended along with the application. The legal heirs of deceased respondent No.6 is evident from the legal heir certificate placed at page 41 of the Part-B. From a perusal of the same, it is evident that the entire property of deceased Mukhtiari Devi has been bequeathed to Rajesh Kumar (nephew).

Since the right to claim inheres in the applicant, therefore, the present application is allowed and applicant is permitted to be impleaded as legal heir of deceased respondent No.6.

Other than the aforesaid, for the reasons stated in the application, the amount, which is lying deposited with the Registry of this Court is ordered to be released to

the applicant along with the proportionate interest accrued thereupon. The amount be remitted to the bank account, details whereof have been given in para 5 of the application, subject to proper verification of his identity. Application stands disposed of.

CMP No.7482 of 2024

No reply is intended to be filed on behalf of non-applicant/appellant. The non-applicant/appellant has no objection, if in case legal heir of deceased respondent No.7 impleaded as party and also has no objection, if money, which is lying deposited in the Registry, is ordered to be released in favour of the applicant.

From the death certificate appended along with the present application, it is evident that respondent No.7- Karam Chand had died on 14.02.2019. The same is evident from the death certificate appended along with the application. The legal heirs of deceased respondent No.7 is evident from the legal heir certificate placed at page 223 of the paper book. From a perusal of the same, it is evident the entire immovable property of the deceased has been bequeathed to Ashok Kumar.

Since the right to claim inheres in the applicant, therefore, the present application is allowed and applicant is permitted to be impleaded as legal heir of deceased respondent No.7.

Other than the aforesaid, for the reasons stated in the application, the amount, which is lying deposited with the Registry of this Court is ordered to be released to the applicant along with the proportionate interest accrued thereupon. The amount be remitted to the bank account, details whereof have been given in para 5 of the application, subject to proper verification of his identities. Application stands disposed of.

CMP No.13838 of 2024

No reply is intended to be filed on behalf of non-applicant/appellant. The non-applicant/appellant has no objection, if in case legal heir of deceased respondent No.8 impleaded as party and also has no objection, if money, which is lying deposited in the Registry, is ordered to be released in favour of the applicant.

From the death certificate appended along with the present application, it is evident that respondent No.8- Roshan Lal had died on 14.02.2019. The same is evident from the death certificate appended along with the application. The legal heirs of deceased respondent No.8 is evident from the legal heir certificate placed at page 222 of the paper book. From a perusal of the same, it is evident the entire immovable property of the deceased has been bequeathed to one Satish.

Since the right to claim inheres in the applicant, therefore, the present application is allowed and applicant is permitted to be impleaded as legal heir of deceased respondent No.8.

Other than the aforesaid, for the reasons stated in the application, the amount, which is lying deposited with the Registry of this Court is ordered to be released to the applicant along with the proportionate interest accrued thereupon. The amount be remitted to the bank account, details whereof have been given in para 5 of the application, subject to proper verification of his identity. Application stands disposed of.

CMP No.13840 of 2024

No reply is intended to be filed on behalf of non-applicant/appellant. The non-applicant/appellant has no objection, if in case legal heirs of deceased respondent No.15 impleaded as party and also has no objection, if money, which is lying deposited in the Registry, is ordered to be released in favour of the applicants.

From the death certificate appended along with the present application, it is evident that respondent No.15-Om Prakash had died on 07.01.2018. The same is evident from the death certificate appended along with the application. The legal heirs of deceased respondent No.15

is evident from the legal heir certificate placed at page 226 of the paper book.

Since the right to claim inheres in the applicants, therefore, the present application is allowed and applicants are permitted to be impleaded as legal heirs of deceased respondent No.15.

Other than the aforesaid, for the reasons stated in the application, the amount, which is lying deposited with the Registry of this Court is ordered to be released to the applicants along with the proportionate interest accrued thereupon, details whereof have been given in para 4 of the application. The amount be remitted to the bank accounts, details whereof have been given in para 5 of the application, subject to proper verification of their identities.

Insofar as remaining legal heirs are concerned, learned counsel for the applicants submits that their bank details shall be furnished in the Registry.

Application stands disposed of.

CMP No.7685 of 2024

No reply is intended to be filed on behalf of non-applicant/appellant. The non-applicant/appellant has no objection, if in case legal heirs of deceased respondent No.20 impleaded as party and also has no objection, if

money, which is lying deposited in the Registry, is ordered to be released in favour of the applicants.

From the death certificate appended along with the present application, it is evident that respondent No.20- Vyasa Devi had died on 26.09.2017. The same is evident from the death certificate appended along with the application. The legal heirs of deceased respondent No.20 is evident from the legal heir certificate placed at page 228 of the paper book.

Since the right to claim inheres in the applicants, therefore, the present application is allowed and applicants are permitted to be impleaded as legal heirs of deceased respondent No.20.

Other than the aforesaid, for the reasons stated in the application, the amount, which is lying deposited with the Registry of this Court is ordered to be released to the applicants along with the proportionate interest accrued thereupon, details whereof have been given in para 4 of the application. The amount be remitted to the bank accounts, details whereof have been given in para 5 of the application, subject to proper verification of their identities. Application stands disposed of.

(Bipin C. Negi)
Judge

04th October, 2024
(Gaurav Rawat)