DARSHAN DASS AND ANOTHER Versus STATE OF HP AND OTHERS

CWP - 3143 of 2021

03.11.2026 Present: Mr. Rajesh Kumar, Advocate, for the petitioners.

Mr. Rajan Kahol, Additional Advocate General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

CMP.M-1783 of 2026 & CMP.M-1784 of 2026

By way of instant applications, filed under Order 22 Rule 3 CPC and Section 5 of the Limitation Act, prayer has been made on behalf of proposed applicants/ petitioners for bringing on record the LRs of petitioner No. 2 as detailed in para 3 of CMP.M No.1784 of 2026, after condonation of delay in filing the accompanying CMP.M No.1784 of 2026 and setting aside abatement, if any.

Mr. Anish Banshtu, learned Deputy Advocate General, who has put in appearance on behalf of non-applicants/respondents, states that no reply to the applications is required to be filed on behalf of non-applicants/respondents and has no objection in case prayer made on behalf of the applicants are accepted.

Having carefully perused averments contained in the CMP.M No.1783 of 2026, this Court is convinced and satisfied that delay in maintaining the CMP.M No.1784 of 2026 is neither willful nor intentional, rather on account of circumstances, which were completely beyond the control of the applicants and as such delay, if any, in maintaining CMP.M-1784 of 2026 is condoned and abatement, if any, is also set aside.

It is quite apparent from the CMP.M-1784 of 2026 that deceased petitioner No. 2 has left behind the LRs as mentioned in para No. 3 of the application. Since right to sue survives in favour of aforesaid LRs, who have otherwise

approached this Court in the instant application, there is no impediment in accepting the prayer made in the application for bringing on record LRs of deceased petitioner No. 2. Accordingly, prayer made on behalf of the applicants for bringing on record LRs of deceased petitioner No. 2 is allowed and proposed LRs as detailed in para 3 of CMP.M-1784 of 2026 are ordered to be substituted in place of deceased petitioner No. 2, whose name is otherwise ordered to be deleted from the array of parties. Registry is directed to carry out necessary corrections in the memo of parties on the basis of amended memo of parties to be filed by Learned counsel for the petitioner within two weeks. Applications stand disposed of.

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Since Mr. Rajesh Kumar, Advocate, has instructions to appear on behalf of newly impleaded petitioners, there is no necessity to issue notice. However, afore counsel may file Power of Attorney, if not already filed, within three weeks.

In the meantime, respondent-State may also file reply, if not already filed.

(Sandeep Sharma),
Judge

November 03, 2026
(Sunil)