

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR B.SUDHEENDRA KUMAR

IA 29-32, 41-44 in CIVIL APPEAL NO. 3600-3603 OF 2001

VIJAY KUMAR

Appellant (s)

VERSUS

KRISHAN K. DUTT (DEAD) BY L.RS. & ORS

Respondent(s)

(With appln(s) for substitution of deceased common respondent Nos. 9 and 5 viz.Rameswar Prasad in CA Nos. 3600-3601 and for substituted service and office report )

Date: 28/02/2007 These Appeals were called on for hearing today.

For Appellant(s)

M/S Manoj Swarup & Co.,Adv.

Mrs. Sureshta Bagga, Adv.

Ms Lalita Kohli, Adv.

For Respondent(s)

Ms. S. Janani ,Adv

Mrs. Sureshta Bagga ,Adv

Ms. Minakshi Vij ,Adv

Mr Dhruv Mehta, Adv.

Mr Harshvardhan Jha, Adv.

Mr Yashraj Singh Deora, Adv.

UPON hearing counsel the Court made the following

O R D E R

An application has been filed by the learned counsel for

the petitioner praying for

bringing on record the legal heirs of respondent No.9 in CA No.3600-3601/2001 and respondent No.5

in CA No.3602-3603/2001. Respondent No.9 in CA No.3600-3601/2001 is the same as respondent No.5 in CA No.3602-3603/2001.

Heard.

I have also perused the application.

It is stated in the application that the common respondent died on 14.2.2002 in USA

leaving behind the three persons referred to in para 1

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Item No.1

as the legal heirs. This application is within time. The proposed legal representatives have filed

Vakalatnama but this application is silent as to whether the persons referred to in para 1 of the

application are the only legal heirs of the deceased. However, this application being an application of

formal nature, I am inclined to allow this application. Accordingly, this application stands allowed

impleading the three persons referred to in para 1 of the application as the only legal heirs of

respondent No.9 in CA No.3600-3601/2001 and respondent No.5 in CA No.3602-3603/2001, on

condition of one of the legal heirs filing an affidavit to the effect that they are the only legal heirs of the

deceased respondent as per the law of succession applicable to the deceased. File affidavit and

memo of parties within two weeks.

List again on 19.3.2007.

(B.SUDHEE

NDRA KUMAR)

Registrar

hj