

ITEM NO.13 Court 12 (Video Conferencing) **CORRECTED**
SECTION III-A

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

IA 27261/2019,171746/2019, in Civil Appeal No(s). 8170/2018

RAGHUBIR SINGH TANDON (D) THROUGH LRS Appellant(s)

VERSUS

RANJEET SINGH TANDON (D) THR. LRS. & ORS. Respondent(s)

IA No. 27261/2019 - APPLICATION FOR SUBSTITUTION
IA No. 171746/2019 - SUBSTITUTED SERVICE)

Date : 23-03-2021 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE HRISHIKESH ROY
[IN CHAMBER]

For Appellant(s) Mr. Anuj P. Agarwala, Adv.
Mr. Pramod B. Agarwala, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Mr. Anuj P. Agarwala, learned counsel submits that the *Smt Nirmal Khatri* (Respondent No.3) has died as far back as on 13.02.2012 during the pendency of the Second Appeal before the high Court but respondent(s) did not take steps to substitute her legal heirs. Only recently, the Petitioners have learnt of the death and accordingly application is filed for substitution of the deceased with her legal heirs.

In view of above, the substitution of the deceased Respondent no.3 is permitted by the legal heirs mentioned in paragraph 4 of the Application. The Application to bring on record

the Lrs. of deceased respondent No. 3 is allowed accordingly.

Mr. Anuj P. Agrawal learned counsel on behalf of the appellants submits that the present litigation has an chequered history and core contest relate to the Will of the predecessor in the family. The notice of this proceeding could not be served on *Smt. Komal Seth, Smt. Sarla Mehrotra, Km. Madhu Kapoor, Km. Veena Kapoor, Sanjay Kapoor* and the *U.P. Government Ministerial Official Co-operative Housing Society*(respondent Nos. 2, 4 to 7 and 9 respectively) on their last known addresses. Accordingly, submission is made for permission to serve notice to them, through publication in local newspapers.

Having considered the above, substituted service is permitted to be made on respondent Nos.2, 4 to 7 and 9 through publication in the two newspapers mentioned in paragraph 9 of the Application. It is ordered accordingly. The Application for substituted service is accordingly allowed.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)