

Roop Bani vs. Janak Devi and others

C.R. No. 12 of 2012

17.03.2026

Present: Mr.Atharv Sharma, Advocate for the petitioner/applicants.

Mr.Vikrant Chandel, Advocate for respondents No.1 and 2.

CMP(M) No.1325 of 2025

By way of present application, the applicants have prayed for their substitution in place of petitioner Roop Bani being the legal heirs, after condoning the delay in filing the application and also setting aside abatement, if any.

It has been averred in the application that the mother of applicants had expired on 06.06.2013, leaving behind them to inherit her estate. The applicants were not aware about the present litigation and it is only about a month back that the GPA of the mother of the applicants informed them with respect to pendency of the present litigation and asked for death certificate. The revision petition was admitted on 13.06.2012. No doubt, earlier the applications were filed by the counsel for early hearing, but the same were without affidavit.

The respondents have opposed the application and contended that the same is not maintainable because no separate application under Section 5 of the Limitation

Act has been filed for condoning the delay of more than 12 years. On merits, it has been averred that the GPA of the proposed applicants is the same person who had earlier filed revision petition on behalf of the mother of the applicants and the story made by them is frivolous and concocted.

It is not in dispute that the revision petition was admitted on 13.06.2012 and further the deceased was being represented by the GPA. The respondents did not file an application under Order 22 Rule 10-A of the Code of Civil Procedure for bringing the factum of death of petitioner on record.

It is settled law that the cases should be decided on merits and not on technicalities. In the present case, the revision petition is pending adjudication before this Court since 2012 and the same was admitted on 13.06.2012. No prejudice is going to be caused to the respondents, in case the application is allowed and therefore, the application for substitution of petitioner Roop Bani is allowed and the applicants namely, Smt.Gurpreet Kaur and Smt.Rasna Preet being daughters of deceased petitioner Roop Bani are ordered to be brought on record, after condoning the delay and also

setting aside the abatement, if any. The amended memo of parties be placed at an appropriate place.

The application is accordingly disposed of.

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List for consideration on 28th April, 2026.

March 17, 2026
(naveen)

(Jiya Lal Bhardwaj)
Judge