



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**

**RSA No. : 156 of 2024**  
**Decided on : 5<sup>th</sup> March, 2026**

---

Lot Ram & Others

.....Appellants

Versus

Dumnu & Others

.....Respondents

---

*Coram*

***The Hon'ble Mr. Justice Virender Singh, Judge.***

***Whether approved for reporting?***

**For the appellants:**

**Mr. Bimal Gupta, Senior Advocate with Mr. Trigun Singh Negi, Advocate.**

**For the respondents:**

**Mr. N.K. Sood, Senior Advocate with Mr. Aman Sood, Advocate for respondents No.1 to 15.**

**Mr. Prantap Sharma, Advocate for respondents No.16(i) to 16(iii), 16(v), 16(vi) and 19 to 21.**

**None for respondents No.16(iv), 17 and 18.**

---

**Virender Singh, Judge (Oral)**

Appellants have preferred the Regular Second Appeal against the judgment and decree dated 04.03.2024, passed by the Court of learned Additional District Judge, Sundernagar, District Mandi, H.P. (hereinafter referred to as



the 'learned First Appellate Court') in *Civil Appeal No.21 of 2016* titled as '*Lot Ram & Others Vs. Dumnu & Others*'.

2. During the pendency of appeal, applications, under Order 1 Rule 10, read with Section 151 CPC, have been moved for deletion of the names of appellant No.20(v)(e)-Mangat Ram and respondent No.16(iv)-Chattri. As per applications, appellant No.20(v)(e)-Mangat Ram and respondent No.16(iv) Chattri, have expired on 30.06.2023 and 23.06.2021, respectively.

3. Learned counsel, appearing for the respondents have pointed out that death of appellant No.20(v)(e) and respondent No.16(iv) had taken place, when the *lis* was pending, before the learned First Appellate Court. As such, decree passed by the Court for or against a dead person is nullity.

4. Undisputedly, the matter has been decided against dead persons, as, no efforts have been made to delete the names of appellant No.20(v)(e)-Mangat Ram and respondent No.16(iv)-Chattri, or to bring their LRs on record, hence, decree passed by the Court for or against a dead person is nullity.

5. The Hon'ble Apex Court in '***Gurnam Singh (Dead) through Legal Representatives & Ors. Vs. Gurbachan Kaur***



**(Dead) by Legal Representatives’ (2017), 13 SCC 414**, has observed, in para No.21, as under:-

*“It is a fundamental principle of law laid down by this Court in Kiran Singh’s case (supra) that a decree passed by the Court, if it is a nullity, its validity can be questioned in any proceeding including in execution proceedings or even in collateral proceedings whenever such decree is sought to be enforced by the decree holder. The reason is that the defect of this nature affects the very authority of the Court in passing such decree and goes to the root of the case. This principle, in our considered opinion, squarely applies to this case because it is a settled principle of law that the decree passed by a Court for or against a dead person is a ‘nullity’.”*

6. In view of the above, this Court has left with no option, but, to set aside the judgment and decree passed by the learned First Appellate Court and to remand the matter back to the learned First Appellate Court, for fresh disposal, in accordance with law, after deciding the question of abatement/bringing on record the LRs of the above two persons. Since, the *lis* is pending, between the parties, from the year 2010, as such, it is expected from the learned First Appellate Court to decide the matter expeditiously.

7. With these observations, the judgment and decree dated 04.03.2024, passed by the learned First Appellate Court, is set aside.



8. Parties, through their counsel, are directed to appear, before the learned First Appellate Court, on **9<sup>th</sup> April, 2026.**

9. Record be sent back, immediately.

**( Virender Singh )  
Judge**

**March 05, 2026** (ps)