

Sulkanbai and ors Vs. Merkulal and anr

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SooperKanoon Citation : sooperkanoon.com/1050551

Court : Madhya Pradesh

Decided On : Aug-01-2012

Appellant : Sulkanbai and ors

Respondent : Merkulal and anr

Advocate for Pet/Ap. : Shri. Umesh Trivedi

Judgement :

1 FIRs.APPEAL No.311/04.

1.8.2012.

Shri Umesh Trivedi, learned counsel for the appellant.

None for the respondents, although served and represented through duly engaged counsel.

With permission of the Court appellant's counsel has corrected the date of order stated in 4th line of fiRs.para of IA No.2137/12 whereby he mentioned the date 8.4.2006 at the place of 8.6.2004.

The same is certified accordingly.

This case is listed today for consideration of IA No.2137/12, appellant's application to substitute the legal representatives of respondent No.1 on record.

As per averments of it, after passing away such respondent on 14.3.2006 initially proceeding to bring his legal representatives on record was filed before the executing Court in pending execution proceeding of the impugned money decree.

Such application was allowed and legal representatives of such respondent were brought on record on 8.4.2006.

In such premises, the present application is preferred without filing any supporting application under Order 22 Rule 9 of CPC as well as under Section 5 of Limitation Act.

In the aforesaid circumstances, it is directed that on payment of P.F.along with requisites of registered post within three working days notice of aforesaid IA No.2137/12, returnable by fixing a date in the month of September, 2012 be issued to the proposed legal representatives of respondent No.1 mention in such IA, failing which this appeal shall stand dismissed automatically without further reference to the Bench.

(U.C.Maheshwari) Judge k

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