

ITEM NO.28

COURT NO.11

SECTION XV

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

Petition(s) for Special Leave to Appeal (C) No(s). 18116/2018

(Arising out of impugned final judgment and order dated 30-01-2018 in DBWR No. 16/2018 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

THE STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

ASHOK KUMAR YOGI

Respondent(s)

(IA No. 78182/2018 - EXEMPTION FROM FILING O.T.)

Date : 10-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Prateek Chadha, AAG
Mr. Milind Kumar, AOR

For Respondent(s) Mr. Mukul Kumar, AOR

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

I.A. Nos. 197837/2022, 3044 & 3713/2023

I.A. No. 197837/2022 is an application for substitution to bring on record the legal representatives of the deceased respondent. There is delay of 198 days in filing the substitution application and I.A. No.3044 of 2023 is an application for condonation of delay in filing substitution application. Prayer in I.A. No.3713 of 2023 is for setting aside abatement.

In this case, the issues involve certain financial benefits accruing to the deceased respondent. Hence the right to sue survives.

The I.As. are allowed. Let necessary amendment be made in the cause title and other records.

So far as the merit of the special leave petition is concerned, we do not find any reason to interfere with the order impugned in this petition, in considering the peculiar facts of this case. The special leave petition accordingly stands dismissed. Pending application(s), if any, shall stand disposed of.

The question of law, however, is kept open.

As we are dismissing the special leave petition, we do not direct service of copy of the petition upon the legal representatives of the deceased respondent. But the Registry shall send copy of this order to the said respondent.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Vidya Negi)
Assistant Registrar