

ITEM NO.1720

COURT NO.5

SECTION III

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 for Special Leave to Appeal (C) No.21169/2021

THE STATE OF GUJARAT

Petitioner(s)

VERSUS

VAGHELA KARANSINH NATWARSINH & ANR.

Respondent(s)

(IA No. 182995/2022 - APPLICATION FOR SUBSTITUTION, IA No.182999/2022 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. & IA No. 183001/2022 - SETTING ASIDE AN ABATEMENT)

Date : 07-08-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
[IN CHAMBER]

For Petitioner(s)

Ms. Deepanwita Priyanka, AOR

For Respondent(s)

Mr. Pradhuman Gohil, Adv.
Ms. Taruna Singh Gohil, AOR
Ms. Renu Purohit, Adv.
Mr. Alapati Sahithya Krishna, Adv.
Ms. Nidhi Mittal, Adv.
Mr. Rushabh N. Kapadia, Adv.

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

1. Respondent No.1 in the Special Leave Petition passed away on 05-01-2007. Despite he being no longer alive, he was impleaded by the State of Gujarat in writ proceedings before the High Court.
2. A learned Single Judge dismissed the Writ Petition on the ground that the State had approached the Court beyond 22 years after accrual of the cause of action. A Letters Patent Appeal carried from such order of dismissal was also dismissed by the Division Bench of the High Court by an Order dated 11-01-2021,

which is the subject matter of challenge in this Special Leave Petition.

3. Since the Writ Petition and the Writ Appeal of the State of Gujarat were dismissed at the admission stage, it could not be brought to the notice of the relevant Courts that the Respondent No.1 was no longer alive.

4. Be that as it may, after notice was issued on the Special Leave Petition ("SLP", hereafter) by this Court on 10-01-2022, the other respondents derived knowledge of proceedings having been carried from the High Court to this Court and the heirs of the deceased Respondent No.1 have now applied for substitution, setting aside abatement and condonation of delay.

5. There is no question of abatement being set aside since in the SLP, a dead man was impleaded as the Respondent No.1. Consequently, the question of condoning the delay in filing the application for setting aside abatement also does not arise.

6. However, since the heirs of the deceased Respondent No.1 are desirous of contesting the SLP, the heirs mentioned at paragraph 2 of the application for substitution may be brought on record as substituted respondents.

7. Office shall proceed to amend the cause-title of the SLP appropriately.

8. All the applications are disposed of accordingly.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(RAM SUBHAG SINGH)
COURT MASTER (NSH)