

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 28538/2018

SUBHASH CHAND

Petitioner(s)

VERSUS

SURESH CHAND (D) THROUGH LRS & ORS.

Respondent(s)

IA No. 41492/2025 - APPLICATION FOR CONDONATION OF DELAY IN FILING
THE APPLICATION FOR SETTING ASIDE THE ABATEMENT

IA No. 298799/2024 - APPLICATION FOR SUBSTITUTION

IA No. 153494/2018 - EXEMPTION FROM FILING O.T.

IA No. 41491/2025 - SETTING ASIDE AN ABATEMENT

Date : 05-12-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE N.V. ANJARIA
[IN CHAMBER]

For Petitioner(s) : Mr. Ram Niwas Buri, Adv.
Mr. Basudev Biswas, Adv.
Mr. Goverdhan Prasad Tiwari, Adv.
Dr. L.d. Kiradoo, Adv.
Mr. Sunklan Porwal, Adv.
Ms. Preeti Singh, AOR

For Respondent(s) : Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

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

IA No. 298799/2024, and IA No. 41491/2025 and IA No. 41492/2025

These are the applications seeking substitution of Legal Representatives of deceased Respondent No. 2, for setting aside abatement and for condonation of delay of 4604 days, respectively.

An objection was raised on behalf of the Respondents about delay. Learned counsel for the Petitioner invited attention of the Court to Order dated 03.10.2024 which pertains to the substitution

of the heirs and Legal Representatives of deceased Respondent No. 1 which was allowed by the Court and the abatement was set aside. In the very Order, it was recorded that the learned counsel for the Respondents would supply the details of the heirs of the other deceased including Respondent No. 2. Further, submission is made on behalf of the Respondent with reference to Letter dated 09.11.2019 for taking steps to bring on record the legal heirs of deceased Respondent No. 2.

It may be true that there is a delay of 4604 days in filing the applications. It is trite that when the question of bringing heirs and the delay therein is to be addressed in pending proceedings, the Court shall be acting with greater leniency. In that view, the delay is condoned. However, looking to the length of the delay, the Petitioner shall pay the token cost of Rs. 2500/- to the Supreme Court Legal Services Committee.

As the delay is condoned, the abatement is set aside. The application of substitution of Legal Representatives is allowed. Accordingly, IA No. 298799/2024, and IA No. 41491/2025 and IA No. 41492/2025 stand allowed.

As prayed for, the heirs and Legal Representatives shall be brought on record. The Cause title shall be amended and the amended cause title shall be filed by the Petitioner within three weeks.

(GINNY MEHTA)
SENIOR PERSONAL ASSISTANT

(POOJA KOHLI)
COURT MASTER (NSH)