

ITEM NO.1736

COURT NO.9

SECTION XI

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 SPetition(s) for Special Leave to Appeal (C) No(s). 1894/2020

MOHIT GUPTA & ORS.

Petitioner(s)

VERSUS

SIYA RAM & ORS.

Respondent(s)

IA No. 93133/2024 - APPLICATION FOR CONDONATION OF DELAY IN FILING
THE APPLICATION FOR SETTING ASIDE THE ABATEMENT
IA No. 86240/2024 - APPLICATION FOR SUBSTITUTION
IA No. 196958/2019 - EXEMPTION FROM FILING O.T.
IA No. 93132/2024 - SETTING ASIDE AN ABATEMENT

Date : 15-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASANNA B. VARALE
[IN CHAMBER]

For Petitioner(s) :

Mr. Manish Gupta, Adv.
Mr. Arpit Shukla, AOR

For Respondent(s) :

Mr. Sudhir Mendiratta, AOR
Mr. Brvarma, Adv.

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

1. The learned counsel for the petitioners states that the delay of 200 days in filing the application seeking setting aside of abatement is due to *bonafide* reasons, as, firstly, the petitioner no.2 died on 24.06.2023 and for sometime, the legal heirs of the deceased petitioner no.2 were in a state of shock and sorrow. Secondly, the said legal heirs being illiterate agriculturists, were not very conversant with the legal necessities.

2. Thus, accepting the statement given by the learned counsel that the delay is caused due to *bonafide* reasons, the application seeking condonation of delay in filing the application seeking setting aside of abatement is condoned.

3. The applications seeking substitution and setting aside abatement *qua* deceased Petitioner no.2 are allowed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(VINOD KUMAR)
COURT MASTER (NSH)