

M/s A.D. Hydro Power Ltd. Vs. State of Himachal Pradesh & Ors.

CWP No. 2222 of 2017

30.12.2024 Present: Ms. Shalini Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar & Mr. B.C. Verma, Additional Advocate Generals, with Mr. Ravi Chauhan, Deputy Advocate General, for respondents No.1 to 3-State.

CMP(M) Nos. 2092 & 2093 of 2024

By way of instant applications filed under Order 22 Rule 4 read with Rule 9 CPC and Section 5 of the Limitation Act, prayer has been made for bringing on record the LR's of the deceased respondent No. 4 Sh. Om Dutt, after condonation of delay in filing the accompanying application and setting aside abatement, if any.

Since, Mr. Paras Dhaulta, Advocate, has instructions to put in appearance on behalf of proposed LR's of deceased respondent No. 4, there appears to be no justification to issue notice. Learned counsel for LR's of deceased respondent No. 4 does not intend to file reply and has no objection, in case the prayer made in the application is allowed.

Having perused explanation rendered in the CMP(M) No. 2093 of 2024, this Court is convinced and satisfied that delay in maintaining the CMP(M) No. 2092 of 2024 is neither willful nor intentional, rather on account of circumstances, which were completely beyond the control of the applicant and as such delay, if any, in maintaining the

accompanying application is condoned and abatement, if any, is also set aside.

Since it is not in dispute that proposed LR's are the legal representative of deceased respondent No. 4 and right to sue survives against them, there is no impediment in accepting the application for bringing on record LR's of deceased respondent No. 4. Accordingly, prayer made on behalf of applicant for bringing on record LR's of deceased respondent No. 4 is allowed and proposed LR's as detailed in para 3 of CMP(M) No. 2092 of 2024 are ordered to be substituted in place of deceased respondent No. 4, whose name is otherwise ordered to be deleted from the array of parties. Registry is directed to carry out necessary correction in the memo of parties on the basis of amended memo of parties annexed with the application. Both the applications stand disposed of.

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Since Mr. Paras Dhaulta, Advocate, has already put in appearance on behalf of newly impleaded respondents, there is no necessity to issue notice to them. However, he may file Power of Attorney on their behalf within a period of four weeks.

Since pleadings are complete and parties are duly represented, let the case at hand be listed for 26.03.2025.

December 30, 2024
(sunil)

(Sandeep Sharma),
Judge