

ITEM NO.1706

COURT NO.14

SECTION II-C

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

Criminal Appeal No. 1978/2013

RAJARAM S/O SRIRAMULU NAIDU
(SINCE DECEASED) THROUGH LRS.

Appellant(s)

VERSUS

MARUTHACHALAM

Respondent(s)

(IA NO.145622/2021 I.E APPLICATION FOR SUBSTITUTION IN CRIMINAL APPEAL NO.1978 OF 2013 AND I.A.NO.146730/2021 I.E APPLICATION FOR SUBSTITUTION IN CIVIL APPEAL NO.10500 OF 2013 ARE TO BE LISTED)

WITH

C.A. No. 10500/2013 (XII)

(IA No. 146730/2021 - APPLICATION FOR SUBSTITUTION)

Date : 13-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
[IN CHAMBER]

For Appellant(s) Mr. Rameshwar Prasad Goyal, AOR

Ms. Neha Sharma, AOR

For Respondent(s) Mr. N. J. Ramchandrar, Adv.
 Jyoti Parashar, Adv.
 Mr. R. Chandrachud, AOR

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

There are two appeals being Criminal Appeal No. 1978 of 2013 (Rajaram Vs. Maruthachalam) and Civil Appeal No. 10500 of 2013 carrying the same cause-title and both these appeals arise out of dishonour of a cheque.

Ms. Neha Sharma, learned advocate appearing for the appellant submits that the original appellant has passed away and his legal heirs, Brindha and Kavitha have already been brought on record.

The sole respondent in these two appeals is 'Maruthachalam' who has passed away on 01.08.2021. The appellant has taken out application for substitution of the deceased respondent by his legal heirs in both these appeals. So far as, the criminal appeal is concerned, Ms. Sharma's, contention is that as there is financial implication for which the estate of the deceased may be liable, substitution is necessary.

In the office report dated 24.12.2021, it has been recorded that an application for substitution was taken out by the appellant in Civil Appeal No. 10500 of 2013. Under normal circumstances, substitution proceeding would have been time barred in absence of an application for condonation of delay because of delay in bringing the application by 14 days beyond the stipulated time frame. But, having regard to the orders passed by this Court in SMW (C) No. 3 of 2020, the delay ought to stand automatically condoned. The same would be the position in Criminal Appeal No. 1978 of 2013.

In such circumstances, I allow the application for bringing on record the legal heirs of the respondent, which is registered as I.A. No. 146730 of 2021 and the individuals named in paragraph 3 of that application may be brought on record as legal heirs/representative of the respondent in the subject appeal.

So far as, Criminal Appeal No. 1978 of 2013 is concerned, the application taken out is registered as I.A. No. 145622 of 2021 and prayer in this application is similar to that made in I.A. No. 146730 of 2021. Both the aforesaid applications are allowed.

Let legal heirs of the deceased respondent be brought on record. Necessary amendment to the cause-title and alteration of

records, if any required, may be effected in both the appeals.

The matter be listed before the regular Bench after completion of these formalities.

(SHRADDHA MISHRA)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
COURT MASTER (NSH)