

Allahabad High Court

Rameshwar Bux Singh vs D.D.C. & Others on 8 July, 2010

Reserved

Court No. - 10

Case :- CONSOLIDATION No. - 505 of 1986

Petitioner :- Rameshwar Bux Singh

Respondent :- D.D.C. & Others

Petitioner Counsel :- R.K. Sharma

Respondent Counsel :- C.S.C.

Hon'ble Yogendra Kumar Sangal, J.

I have gone through the records. Respondent No. 2 was served, but no counter affidavit/objection was filed on his behalf. Later on, writ petition was dismissed and the same was restored at its original number.

During the pendency of the matter, respondent No. 2 had also died and on the application of the petitioner, his heirs were substituted. On behalf of the heirs, a Valakatnama was brought on the record vide Application No. 12108 of 2010. Although, Vakalatnama of Sri Rajendra Kumar is on the record and his name appears in the cause list, but no counter affidavit/objection was filed on behalf of the heirs of respondent No. 2. From the records, it also reveals that counter affidavit was not called for from the heirs of respondent No. 2 after they were substituted in the matter.

Seen the fact that although respondent No. 2 has not filed counter affidavit/objection, it will be proper to give one more opportunity to the heirs of deceased respondent No. 2 to file counter affidavit, if they needed. If any such counter affidavit is filed within three weeks, rejoinder affidavit be filed within one week thereafter.

List the matter thereafter. Learned counsel for the petitioner will also inform the counsel for the heirs of respondent No. 2 in writing about the order of this Court.

Order Date :- 9.7.2010 Rakesh