



**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE G. S. AHLUWALIA**

**ON THE 31<sup>st</sup> OF JULY, 2025**

**SECOND APPEAL No. 316 of 2024**

***MAHENDRA KUMAR PARASAR***

*Versus*

***RAMKRISHNA AND OTHERS***

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**Appearance:**

*Shri Sanjay Kumar Sharma - Advocate for appellant.*

*Shri Sooraj Bhan Lodhi- Advocate for respondent No.1.*

*Shri Sanjay Singh Kushwaha – Government Advocate for respondent/State.*

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**ORDER**

Heard on IA.No.5372/2025 an application seeking permission to withdraw IA. No.4340/2025 which was filed under Order XXII Rule 4 and Rule 9 of CPC for substitution of legal representatives of respondent No.10- Smt. Gulab.

2. For the reasons mentioned in the application, the same is allowed and accordingly IA. No.4340/2025 is permitted to be withdrawn.

3. Heard on IA. No.4342/2025 an application for deleting the name of respondent No.3-Munnalal with liberty to implead his legal representatives as and when identified.

4. The appellant is not seeking deletion of respondent No.3-Munnalal unconditionally but the deletion is being sought with liberty to implead the legal



representatives as and when identified. It is not the case of appellant that Munnalal was not survived by any legal representative. However, counsel for appellant submits that he may be permitted to unconditionally delete the name of respondent No.3-Munnalal.

5. At the risk and cost of appellant, the name of respondent No.3 Munnalal is permitted to be deleted unconditionally from the array of cause title.

6. Heard on IA.No.5373/2025 second application under Order XXII Rule 4 CPC for substitution of legal representatives of respondent No.10-Smt. Gulab. Earlier, appellant had filed IA.No.4340/2025 for substitution of legal representatives of respondent No.10- Smt. Gulab. However, today, the said application has been withdrawn.

7. In IA. No.5373/2025, the date of death of respondent No.10 Smt. Gulab has not been mentioned. Thus, it appears that respondent No.10- Gulab Bai must have died prior to 90 days of filing of this application. Unless and until the date of death of the party is disclosed, it would not be possible for this Court to ascertain as to whether the application has been filed within a period of 90 days or not. Even during the course of arguments, counsel for appellant has expressed his inability to find out the date of death of respondent No.10-Smt Gulab. Under these circumstances, it is clear that the appeal filed against respondent No.10-Smt Gulab has already stood abated.

8. Since the decree is inseparable, therefore, the entire appeal is dismissed as abated. However, liberty is granted to appellant to file an application under Order XXII Rule 4 and Rule 9 CPC and under Section 5 of Limitation Act.

**(G.S. Ahluwalia)**  
**Judge**