



**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. 464 of 2024**

***RAMKRISHAN ADOPTED***

***Versus***

***HEMLATA AND OTHERS***

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**Appearance:**

*Shri Sooraj Bhan Lodhi - Advocate for appellant.*

*Shri Sanjay Kumar Sharma- Advocate for respondent No.3.*

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

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**ORDER**

Heard on IA. No.5025/2025 an application for deleting the name of respondent No.1- Smt. Hemlata and respondent No.2-Munnalal from the array of cause-title.

2. In this application, it is mentioned that whereabouts of respondent No.2 is not known for the last 25-30 years. However it is not mentioned in the application that respondent No.2 has died a civil death.

3. Be that whatever it may be.

4. At the risk and cost of appellant, names of respondent No.1 and 2 are permitted to be deleted from the array of cause-title.



5. Also heard on IA. No.5024/2025 an application under Order XXII Rule 4 CPC for substitution of legal representatives of respondent No.10-Smt. Gulab.

6. In IA. No.5024/2025, 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.

7 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**