

222

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

411817

CIVIL APPEAL No. 1643 OF 2010  
(Arising out of SLP (C) No. 22416 of 2007)

BHAGWAN SHRI RAM LALA VIRAJMAN & ORS.

... Appellant(s)

Versus

RAJENDRA SINGH & ORS.

Certified to be true copy  
*Dapaul*  
Assistant Registrar (P.D.)  
15-02-10  
Supreme Court of India

Respondent(s)

ORDER

1. Leave granted.
2. This matter pertains to the continuation or otherwise of the next friend. Presently, Dr. Thakur Prasad Verma is acting as a next friend of appellant-plaintiff Nos. 1 and 2. Dr. Verma wants to retire as he is unable to effectively discharge his duties due to ailments and, therefore, the High Court was approached by way of filing C.M. Application No. 17(O) of 2007 in O.O.S. No. 5 of 1989. The High Court vide its order dated 26.10.2007 did not permit Dr. Verma to retire and rejected the application. Challenging the said order dated 26.10.2007, the matter has now come up before this Court.
3. Mr. K.N. Bhat, learned senior counsel appearing on behalf of the appellants very earnestly argues that instead of Dr. Thakur Prasad Verma, Mr. Triloki Nath Pande be



*Triloki Nath Pande*

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223

: 2 :

appointed as a next friend of appellant-plaintiff Nos. 1 & 2 under the provisions of Order XXXII Rule 8 of Code of Civil Procedure since Dr. Verma has serious health problems. He further points out that insofar as the costs already incurred are concerned, the present next friend Dr. Verma shall give an undertaking to the High Court indicating therein that he would be responsible for the costs already incurred.

4. The other side has no objection for this arrangement. In that view, it is not necessary for us to examine the correctness or otherwise of the impugned order passed by the High Court. If the aforesaid undertaking is given and the willingness of Mr. Triloki Nath Pande is indicated to the High Court, in that case, Mr. Triloki Nath Pande shall act as a next friend of appellant-plaintiff Nos. 1 and 2 subject to the undertaking given by Dr. Verma.

5. The appeal stands disposed of accordingly.

*[Signature]*

*[Signature]* .....J.  
(V.S. SIRPURKAR)

*[Signature]* .....J.  
(Dr. MUKUNDKAM SHARMA)

New Delhi,  
February 8, 2010.



*[Signature]*

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224

ITEM NO.204

Court No.8

111816

SECTION XI

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22416/2007

(From the judgement and order dated 26/10/2007 in OOS No. 5/1989 & CMA No. 17/2007 of The HIGH COURT OF U.P AT LUCKNOW)

BHAGWAN SHRI RAM LALA VIRAJMAN & ORS Petitioner(s)

VERSUS

RAJENDRA SINGH & ORS.

(With appln(s) for permission to file additional documents and prayer for interim relief ))  
(For final disposal)

Certified to be true copy  
Sareen  
Assistant Registrar (M.C.)  
5-02-10 Respondent(s)  
Supreme Court of India

Date: 08/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR  
HON'BLE DR. JUSTICE MUKUNDKAM SHARMA

For Petitioner(s) : Mr. K.N.Bhat, Sr adv.  
Mr. S.N. Bhat, Adv.  
Mr. N.P.S.Panwar, Adv.  
Ms. Deepa Mahajan, Adv.

For Respondent(s) : Mr. Anoop G.Chauhary, Sr. Adv.  
Mr. Syed Shahid Hussain Rizvi, Adv.  
Mr. Shakil Ahmed Syed, Adv.  
Mr. Tayyab Khan, Adv.

Mr. S.K.Jain, Adv.  
Mr. Puneet Jain, Adv.  
Ms. Christi Jain, Adv.  
Ms.Eshita Barua, Adv.  
Ms. Pratibha Jain, Adv

Mr. Jyotindra Mishra, AG,  
Mr. R.K.Gupta, Adv.  
Mr. Manoj Kumar Dwivedi, Adv.  
Ms. Vandana Mishra, Adv.  
Mr. Gunnam Venkateswara Rao, Adv

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

Leave granted.

The appeal is disposed of in terms of the signed

order.



(Shashi Sareen)  
Court Master

(Shashi Bala Vij)  
Court Master

[SIGNED ORDER IS PLACED ON THE FILE ]

12/02/2010

000445

226

Hon'ble S.U.Khan, J.  
Hon'ble Sudhir Agarwal, J.  
Hon'ble D.V. Sharma, J.

This is an application filed on behalf of Sri Triloki Nath Pandey for substitution of his name as plaintiff No.3/1 and to strike off the name of Dr. T.P. Verma as next friend to the plaintiffs No.1 & 2 in OOS No.5 of 1989 and for substituting the name of Sri Triloki Nath Pandey as next friend of plaintiffs No.1 & 2.

Learned counsel for the applicant submitted that earlier the application, seeking a similar relief, was rejected by this Court vide order dated 26<sup>th</sup> October, 2007 whereagainst the matter was taken to the Apex Court in Civil Appeal No.1643 of 2010. The said appeal has been disposed of by the Apex Court vide order dated 8<sup>th</sup> February, 2010 and the relevant part thereof, as contained in paras 3, 4 and 5, are reproduced as under:

3. *Mr. K.N. Bhat, learned senior counsel appearing on behalf of the appellants very earnestly argues that instead of Dr. Thakur Prasad Verma, Mr. Triloki Nath Pande be appointed as a next friend of appellant -plaintiff Nos. 1 & 2 under the provisions of Order XXXII Rule 8 of Code of Civil Procedure since Dr. Verma has serious health problems. He further points out that insofar as the costs already incurred are concerned, the present next friend Dr. Verma Shall give an undertaking to the High Court indicating therein that he would be responsible for the costs already incurred.*

4. *The other side has no objection for this arrangement. In that view, it is not necessary for us to examine the correctness or otherwise of the impugned order passed by the High Court. If the aforesaid undertaking is given and the willingness of Mr. Triloki Nath Pande is indicated to the High Court, in that case, Mr. Triloki Nath Pande shall act as a next friend of appellant-plaintiff Nos. 1 and 2 subject to the undertaking given by Dr. Verma.*

5. *The appeal stands disposed of accordingly.*

The present application has been filed pursuant to the observations of the Apex Court as contained in its judgment dated 8<sup>th</sup> February, 2010 along with Civil Misc.



000449

227

Application No. 8 (O) of 2010 filed by Dr. T. P. Verma filing his affidavit in the form of undertaking in the light of the observations / directions of the Hon'ble Apex Court. Para 3 of the affidavit containing the undertaking tendered by Dr. Thakur Prasad Verma is being reproduced as under:

*"3. That in pursuance of the above order 8.2.2010 the deponent undertakes that he would be responsible for the costs already incurred."*

Learned counsels for the respondents in the light of the observations of the Apex Court have no objection in substituting the name of the applicant as plaintiff No.3/1 and also as the next friend of plaintiffs 1 and 2.

In the light of the above undertaking tendered by Dr. T.P. Verma and subject thereto, this application is allowed. Necessary correction in the array of parties be made within two weeks.

Dt/-18.03.2010  
KA



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