

In the Court of Addl. Sessions Judge-I, Danapur
T.A. No. 121 of 1995

06-06-2025:

Hazari has been filed on behalf of both the parties. The record has been produced before the Court for order and the petitions dated 17.12.2024 & 24.02.2025 (filed in continuation of the petition dated 17.12.2024 correcting the addresses of the legal representatives of the deceased-respondent Ravindra Rai (1A)), & 20.01.2025 filed, for substitution of the LRs of the deceased respondent 1A and for condoning delay in filing of substitution petition and setting aside the abatement, and rejoinder petitions thereto 29.01.2025 & 12.02.2025.

Heard the learned counsel for the appellant as well as for the respondents (earlier, the learned counsel for the respondent did not turn up on call on last date but today he appeared and made his submissions).

It is submitted that the Respondent No. 1A died on 21.07.2024 leaving behind LRs as named in the petition but due to the lack of knowledge of the death of the respondent the substitution petition could not be filed within the statutory period and petitions for condonation of delay and setting aside the abatement has also been filed. It is further submitted that the appellants have also corrected the addresses of the LRs as given by the respondents in their rejoinder petition and therefore, the petition under reference may kindly be allowed condoning the delay and setting aside the abatement and LRs be substituted in place of the deceased respondent.

Per contra, it is submitted on behalf of the respondents that the petition under reference has been filed with much delay and the appellant have knowledge about the death of the respondent but they deliberately did not file petition for substitution and now the petition for substitution has been filed with wrong addresses of the LRs (now corrected) and therefore, the petition be rejected with cost.

Perused the record and also considered the

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submissions made by the learned counsels. There is no denial of death of the Respondent No. 1A Ravindra Rai but only objection is that the petition for substitution has been filed with much delay. The substitution of LRs of deceased respondents is necessary to decide the merit of the case and just decision of the case. Having considered aforesaid, the petitions under reference are hereby allowed on cost of Rs. 500/- after condoning delay and setting aside the abatement, if any. The appellant is directed to substitute the LRs of the deceased respondent in his place as detailed in his petition.

Fixing 19-06-2025, for compliance by the appellants.

(Dictated)

Sd/-

D.J.-I

Danapur