



**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
COURT NO-1, PRATAPGARH.**

M.N.R. NO.-38/2018

Ram Ajour Vs. Hafiz Ali

I.A.No-1/2023

05.07.2023

Case called.

Applicant present vakalatnama has been filed on behalf of O.P. no. 3 on repeated calls none responded on behalf of O.P. no. 3. Opposite party nos. 1, 2 and 3 are real brothers.

Applicant moved an application bearing no. 14-ka² for substitution stating therein that appellant died on 12.12.2020 leaving Om Prakash and Ashok Kumar legal representative as son. Application is supported by an affidavit. The copy of the substitution application has been recieved by O.P. on 18.12.2022 but till date no objection has been filed on behalf of O.P. Right to sue survives. Substitution application is well within period of limitation. The application 14-ka² is liable to be allowed.

Application bearing no. 14-ka² Order 22 Rule 3 and 6 Rule 17 C.P.C. is hearby allowed. Amendment be incorporated within 3 days.

Applicant has further moved an application under Order 5 Rule 20 C.P.C on the ground that O.P. Nos-1 and 2 are avoiding the process issued by Court. The process may be served through Publications. In the circumstances it is expedient to serve process upon Opposite party nos. 1 and 2 through publication. Application under Order 5 Rule 20 C.P.C. dated 18.02.2019 is accordingly allowed. Steps be taken within 7 days. Fix 31.07.2023.

Addl. District Judge,
court NO-1, Pratapgarh.