



HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 494 of 2016

Smt. Bodhni Bai **versus** Smt. Jodhni Bai

Order Sheet

18.03.2026	Shri M.L. Sakat, learned counsel for the appellants. Shri Adil Minhaj, learned counsel for the respondent No. 1 to 4. Heard on I.A. No. 05/2018, an application under Order XXII Rule 4 of the Code of Civil Procedure for substitution of the legal heirs of respondent No. 1; I.A. No. 06/2024, an application under Order XXII Rule 9 of the Code of Civil Procedure for setting aside abatement; and I.A. No. 07/2024, an application for condonation of



delay.

Learned counsel for the appellant submits that respondent No. 1 expired on 19.03.2018 and that the application under Order XXII Rule 4 CPC was filed on 17.07.2018, resulting in a delay of 28 days. He prays for condonation of the said delay and for setting aside the abatement of the second appeal.

Mr. Adil Minhaj, learned counsel appearing for the respondent, on instructions, submits that he has also been engaged to represent the legal representatives of deceased respondent No. 1. He opposes the applications and contends that the delay in filing the application under Order XXII Rule 4 CPC has not been properly explained and, therefore, the same deserves to be rejected.

Heard learned counsel for the parties and perused the applications along with the explanation furnished therein. For the reasons stated in the application for condonation of delay, the delay is condoned. Consequently, I.A. No. 05/2018 under Order XXII Rule 4 CPC is allowed and the abatement of the appeal, insofar as it



relates to respondent No. 1, is set aside.

The appellant is directed to carry out necessary amendments in the cause title by bringing on record the legal representatives of deceased respondent No. 1 within a period of ten days.

List this appeal on 30.03.2026.

Sd/-

(BIBHU DATTA GURU)

Judge

Shoaib