

HIGH COURT OF CHHATTISGARH, BILASPUR

order sheet

FA No. 271 of 2017

Smt. Rajkali Devi Dead Through Legal Heir Rajesh Kumar Mishra (died)
Through Lrs- **Versus** Shivprakash Dixit Dead Through Legal Heirs Smt.
Mangla Shukla

22.04.2024	<p>Mr. Akash Pandey, Counsel for the Appellant.</p> <p>Mr. Pankaj Bhaskar, Counsel for Respondent No. 02.</p> <p>Mr. Amit Kumar Sahu, Counsel for Respondent no. 1.3 and 1.4.</p> <p>Heard on I. A. No. 15, an application Under Order 22 Rule 4 of Civil Procedure Code, I.A. No. 16, an application under Section 5 of limitation Act for condonation of delay in filing the setting aside abatement and I.A. No. 17, an application under Order 22 Rule 9 of CPC for setting aside abatement.</p> <p>Learned counsel appearing for the appellants contended that during the pendency of the instant appeal Respondent no. 2 namely Smt. Shanti Devi and Respondent no. 4 Yogesh Chanda Mishra have died on 5th September, 2019 and on 7th February, 2021 respectively. After receiving the application .i.e I.A No. 09/2023, the appellant filed an application for deleting the names of the died respondents no. 2 and 4 from the record, which was allowed by this Court on 14.03.2024. Thereafter, on 27th March,</p>

2024 during the argument it came in the knowledge of the counsel for the appellants that the name – Mukesh Mishra who is one of the Legal representative of the deceased - Respondent no. 4 was not reflected in the application of the Legal Representative therefore, appellants filed these applications .i.e I. A No. 15, 16 and 17 are supported by the affidavits.

Learned counsel for the Respondents have no objection in allowing these above applications.

On due consideration and for the reasons assigned therein, I am inclined to allow these application i.e. I. A. Nos. 15,16 and 17 of 2024.

Let necessary amendment be carried out within a period of one week.

List this case after a week.

Sd/-

(Arvind Kumar Verma)
Judge