

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 271 of 2017

Smt. Rajkali Devi Dead Through Legal Heir Rajesh Kumar Mishra **Versus** Shivprakash Dixit
Dead Through Legal Heirs Smt. Mangla Shukla

14.03.2024	<p>Mr. Keshav Dewangan, learned counsel for the appellant.</p> <p>Mr. Palash Rajani, counsel appears on behalf of Mr. Shailesh Ahuja, learned counsel for Lrs of respondent No. 2.</p> <p>Mr. Amit Kumar Sahu, learned counsel for respondents No. 3.3 to 3.4.</p> <p>Mr. Aman Upadhyay, learned counsel for respondent No. 7.</p> <p>This matter is taken up for hearing on I. A. No. 09/2023 filed under Order 22 Rule 4 of CPC for substitution of legal representatives of deceased Respondent No. 2 & 4, I. A. No. 08/2023, filed under Order 22 Rule 3 of CPC for substitution of legal representatives of deceased sole appellant, I. A. No. 07/2023, filed under Order 22 Rule 10A of CPC for information of death of deceased respondent No. 3.1, I. A. No. 11/2023, filed under Order 22 Rule 9 of CPC for setting aside abatement, I. A. No. 10/2023 for condonation of delay, I. A. No. 12/2023 for deleting the name of Respondent No. 3.1 & I.A. No. 13/2024, for amendment in cause title.</p> <p>The Respondent Nos. 2, 4, 3.1 and sole appellant died on 05.11.19, 07.02.2021, 20.07.2023, 12.09.2023 respectively & the aforesaid applications are supported by the affidavits of respective affidavee.</p>

Learned counsel for respective respondents have not opposed the applications.

Accordingly, I. A. No. 10/2023 is allowed.

Delay in filing of applications under Order 22 Rule 4, 3 and Order 22 Rule 9 stand condoned.

As a consequence, I. A. No. 11/2023, filed under Order 22 Rule 9 of CPC stands allowed. Order of abatement, if any, stand set aside.

Finally, I. A. Nos. 08/2023 , 09/2023, 07/2023, 12/2023 & 13/2024 also stand allowed.

Information of death of respondent No. 3.1 is taken on record.

On appellant's carrying necessary amendment within a period of 10 days and on payment of process fee within further period of 7 days by ordinary as well as by registered post to the proposed legal representatives of deceased respondents No. 2 & 4 let notice be issued as per Rules.

In addition to this, Dasti service is also permitted.

List this case thereafter.

Sd/-
(Rajani Dubey)
JUDGE