

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 393 of 2016

Suresh Kothari **Versus** State Of Chhattisgarh

21.08.2020	<p>Mr. Sourabh Sahu, counsel for the appellant. Mr. D. C. Verma, G.A. for the respondent No.1/State. Mr. Avinash Chand Sahu, counsel for the applicants. Considered I.A.No.4/2019, application for furnishing information regarding death of respondent No.2. As per I.A.No.4 respondent No.2 Smt. Sangeeta Tandon died on 05.09.2018. Counsel for the appellant submitted that the date of death of respondent No.2 i.e. 05.09.2018 is correct. This Court takes the notice of the above facts mentioned in I.A.No.4. I.A.No.4 disposed of accordingly. As per article 120 of the Limitation Act, period of limitation to bring the legal heirs of appellant/respondent is 90 days which commence from the date of death of appellant/respondent. In the case in hand respondent No.2 died on 05.09.2018 no application is pending for bringing the legal heirs of respondent, to set aside the abatement against the respondent No.2 filed by appellant. <b>Hence, appeal is abated against respondent No.2.</b> Counsel for applicants wants time to argue on I.A.No.3. Fix this case for argument on I.A.No.3.</p> <p style="text-align: right;">Sd/- (Sharad Kumar Gupta) Judge</p>

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