

**HIGH COURT OF CHHATTISGARH AT BILASPUR****SA No. 307 of 2017**Yogeswar Raj Singh **versus** Narayan Prasad Shukla**SA No. 396/2017, SA No. 418/2017****Order Sheet**

<b>07.04.2025</b>	<p>Mr. Malay Shrivastava, counsel for the appellant in SA No. 307 of 2017.</p> <p>Mr. Pushpendra Kumar Patel, Advocate alongwith Mr. Ankush Soni, counsel for the appellant in SA No. 39 of 2017.</p> <p>Mr. Amit Kumar Sahu, counsel for the appellant in SA No. 418 of 2017.</p> <p>Mr. S.P. Kale, Additional Advocate General for the State.</p> <p>Mr. Dharmesh Shrivastava, counsel for respondent No. 1(A), 1(B) and 1(C) in SA No. 396 of 2017.</p>

**In SA No. 307 of 2017**

Heard on I.A. No. 07/2025, application for deleting the name of respondent No. 13 Smt. Shashiprabha Devi.

It has been reported that during the pendency of the this appeal, respondent No. 13 has expired on 24.10.2020 and her legal representatives have already been on record as respondent No. 14 and 15, as such, learned counsel for the appellant would pray for deleting the name of the respondent No. 13, as such he may be allowed to delete the name of the respondent No. 13.

It has also been informed that the respondent No. 1 Narayan Prasad Shukla has already expired and his legal representatives have already been on record as respondent No. 2 and 3, as such, learned counsel for the appellant would pray for deleting the name of the respondent No. 1, as such, he may be allowed to delete the name of the respondent No. 1.

On due consideration, I.A. No. 07/2025, application for deleting the name of respondent No. 13 Smt. Shashiprabha Devi is allowed and Registry is directed to delete the name of the respondent No. 13 Smt. Shashiprabha Devi and respondent No. 1 Narayan Prasad Shukla from the cause title.

Learned counsel for the appellant would further submit that during pendency of this appeal, respondent No. 17 Naresh Chandravanshi has expired, therefore, he

has filed applications under Section 5 of the Limitation Act for condonation of delay in filing the application under Order 22 Rule 9 C.P.C. for setting aside abatement in respect of respondent No. 17 and application under Order 22 Rule 4 of the C.P.C. for substitution of legal representatives of deceased respondent No. 17 .

On due consideration, applications under Section 5 of the Limitation Act for condonation of delay in filing the applications is allowed and delay in filing the applications is hereby condoned.

Learned counsel for the appellant would further submit that he has filed I.A. No. 05/2025, application under Order 22 Rule 9 of C.P.C. for setting aside the abetment in respect of respondent No. 17.

On due consideration and for the reasons mentioned in the application, the same is allowed.

Learned counsel for the appellant would further submit that he has also filed I.A. No. 03/2025, application under Order 22 rule 3 of C.P.C. for substitution of legal representatives of deceased respondent No. 17 namely Padma Chandravanshi, Dr. Swati Chandravanshi, Piyush Chandravanshi and Prafulla Chandravanshi on record and they may be arrayed as 17(a), 17(b), 17(c) and 17(d) and in the cause title.

On due consideration and for the reasons mentioned in the application, the same is allowed.

Learned counsel for the appellant is directed to incorporate necessary amendment in the cause title and amended cause title be filed today itself.

**In SA No. 396 of 2017**

Heard on I.A. No. 04/2025, application for deleting the name of respondent No. 11 Smt. Shaship Prabha Devi.

It has been reported that during the pendency of the this appeal, respondent No. 11 has expired and her legal heirs have already been on record as respondent No. 12 and 13, as such, learned counsel for the appellant would pray for deleting the name of the respondent No. 11, as such, he may be allowed to delete the name of the respondent No. 11.

It has also been informed that the respondent No. 1 Narayan Prasad Shukla has already expired and his legal representatives have already been on record as respondent No. 1(b) and 1(c), as such, learned counsel for the appellant would pray for deleting the name of the respondent No. 1, as such, he may be allowed to delete the name of the respondent No. 1.

On due consideration, I.A. No. 04/2025, application for deleting the name of respondent No. 11 Smt. Shashi Prabha Devi is allowed and Registry is directed to delete the name of the respondent No. 11 Smt. Shashi Prabha Devi and respondent No. 1 Narayan Prasad Shukla from

the cause title.

Learned counsel for the appellant is directed to incorporate necessary amendment in the cause title and amended cause title be filed today itself.

**In SA No. 418 of 2017**

Learned counsel for the appellant seeks permission of this Court to withdraw I.A. No. 02/2025, application under Order 22 Rule 4 of C.P.C. for substitution of LR's of respondent No. 13 Smt. Shashiprabha Devi, I.A. No. 03/2025, application under Order 22 Rule 9 of C.P.C. for setting aside abetment and I.A. No. 04/2025, application for condonation of delay in filing the application for substitution of legal representative of respondent No. 13 as the legal representatives of the respondent No. 13 have already been on record.

On due consideration, I.A. No. 02/2025, I.A. No. 03/2025 and I.A. No. 04/2025 are dismissed as withdrawn.

It has also been informed that the respondent No. 1 Narayan Prasad Shukla has already expired and his legal representatives have already been on record as respondent No. 2 and 3 and respondent No. 13 Smt. Shashiprabha Devi has already expired and her legal representatives have already been on record as respondent No. 14 and 19, as such, learned counsel for the appellant would pray for deleting the name of the

respondent No. 1 and respondent No. 13, as such, he may be allowed to delete the name of the respondent No. 1 and respondent No. 13.

On due consideration, the same is allowed and Registry is directed to delete the name of the respondent No. 1 Narayan Prasad Shukla and respondent No. 13 Smt. Shashiprabha Devi from the cause title.

Learned counsel for the appellant is directed to incorporate necessary amendment in the cause title and amended cause title be filed today itself.

Looking to the fact that the interim order is continued for last 8 years, the matter be listed on Friday i.e. **11<sup>th</sup> April, 2025** in the fresh matters list.

**Sd/-  
(Narendra Kumar Vyas)  
Judge**