



HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 508 of 2017

Omkar **versus** Jhumuk Died

Order on Board

04/02/2026	Mr. Ashish Sahu, Advocate appears on behalf of Mr. R.S. Patel, Advocate for the appellants. Mr. Viprasen Agrawal, Advocate for respondent No.1-a. Ms. Laxmi Gupta, Advocate on behalf of Mr. Kshitij Sharma, Advocate for respondents No.1-b to 1-d. Mr. Anand Gupta, Dy. Govt. Advocate for the State. Heard on I.A. No.06/2026, application under Order 22 Rule 6 of CPC for deleting the name of Late Jhumuk, as he has died on 18/05/2017 and permit to make as respondents No.1a to 1d, the proposed legal representatives of the deceased respondent No.1. Learned counsel for the appellants submits that
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respondent No.1/defendant (Late Jhumuk) has died on 18.05.2017, i.e. prior to the pronouncement of the impugned judgment and decree dated 22.06.2017, during that period when the First Appeal was finally heard and reserved for judgment. It is further submitted that at the time of filing of the instant Second Appeal, the legal representatives of Late Jhumuk were impleaded as respondent Nos.1(a) to 1(d); however, inadvertently, Late Jhumuk was also impleaded in the array of respondents with a remark that he had died on 18.05.2017. Hence, learned counsel seeks permission to delete the name of Late Jhumuk from the array of respondents and to implead his proposed legal representatives.

Learned counsel for the respondent No.1a has no objection to the above application.

On due consideration and looking to the reasons mentioned in the I.A. No.06, the same is allowed.

Learned counsel for the appellants is permitted to take necessary steps to delete the name of respondent

No.1 (Late Jhumuk) from the array of respondents.

Also heard on I.A. No.01/2017, application under Order 22 Rule 4 of CPC for bringing legal representatives of deceased respondent No.1 alongwith I.A. No.02/2017, which is an application under Order 22 Rule 9 of CPC for setting aside the abatement and I.A. No.03/2017, which is an application filed under Section 5 of the Limitation Act for condonation of delay in filing the application for bringing the legal representatives of the deceased respondent on record.

As regards the above applications, learned counsel for the appellants submits that these applications have wrongly been filed and he does not wish to press these applications.

In view of the aforesaid submission, I.As. No. 1, 2 & 3 are dismissed as not pressed.

As far as I.A. No.4/2019 is concerned, which is an application for deleting the name of respondent No.1a (Smt. Suruj Bai), as she has died on 03/02/2018,

learned counsel submits that the legal heirs of respondent No.1a are already on record and have already been impleaded as necessary party in the memo of appeal.

On due consideration and looking to the reasons mentioned in the I.A. No.04/2019, the same is allowed.

Learned counsel for the appellants is permitted to take necessary steps to delete the name of respondent No.1a (Smt. Suruj Bai) from the cause title of the memo of appeal.

Necessary amendments as ordered above, be carried out in the cause title of memo of appeal and the amended memo of cause title be filed within a period of ten days.

List this case on **18/02/2026**.

Sd/-
(BIBHU DATTA GURU)
Judge