

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 194 of 2016Vishal Singh **Versus** Jagdev**SA No.228/2016**

22.02.2024	Mr. Akash Agrawal, learned counsel for the appellants in both the appeals. Mr. Abhishek Choubey appears on behalf of Mr. Pawan Shrivastava, learned counsel for the respondent No.1 in SA No.194/2016 and for respondent No.1 in SA No.228/2016. Dr. Arpit Lal appears on behalf of Mr. Dharmesh Shrivastava, learned counsel for the respondent No.2 to 6 in SA No.194/2016. Mr. U.P.S. Sahu, P.L. for the State/respondent No.7 in SA No.194/2016 and State/respondent No.2 in SA No.228/2016. Heard on I.A. No.2/2023 in SA No.194/2016 & I.A. No.1/2023 in SA No.228/2016, applications filed under Order 22 Rule 3 of CPC for substitution of Lrs of sole appellant; I.A. No.3/2023 in SA No.194/2016 & I.A. No.2/2023 in SA No.228/2016, applications filed under Order 22 Rule 9 of CPC read with Section 151 of CPC for setting aside the abatement; and I.A. No.4/2023 in SA No.194/2016 & I.A. No.3/2023 in SA No.228/2016, applications for condonation of delay under Section 5 of the Limitation Act in filing application for substitution and setting aside the abatement. The aforesaid three set of applications have been filed to bring Lrs of sole appellant and also for setting aside the abatement by condoning the

delay.

Learned counsel for the respective respondents raised objection to allow the aforesaid applications in both the appeals.

On due consideration and for the reasons mentioned in the applications, I am inclined to allow the same and the delay in filing the aforesaid applications in both the appeals, i.e. I.A. No.4/2023 in SA No.194/2016 & I.A. No.3/2023 in SA No.228/2016 are hereby condoned. The applications in both appeals, i.e., I.A. No.2/2023 in SA No.194/2016 and I.A. No.1/2023 in SA No.228/2016, filed under Order 22 Rule 3 of CPC for substitution of Lrs of sole appellant are allowed. Applications, i.e. I.A. No.3/2023 in SA No.194/2016 and I.A. No.2/2023 filed under Order 22 Rule 9 of CPC read with Section 151 of CPC for setting aside the abatement filed by the proposed Lrs of deceased/appellant are allowed.

Let necessary amendment be carried out in the cause title of memo of appeal within a period of one week.

Sd/-
(Naresh Kumar Chandravanshi)
Judge