

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 563 of 2018

Gulfi Bai **Versus** Gajju & Ors.

24.03.2022	Mr. Akhilesh Mishra, Counsel for the appellant. Mr. Sanjeev Kumar Agrawal, P. L. for the State. Mr. Suresh Tandan, Counsel for respondents No.1 to 5A. Heard on I.A.No.5, application for condonation of delay in filing application for substitution of legal representatives and setting aside the abatement and also Heard on I.A.No.4, application for setting aside of abatement and substitution of legal representatives of respondents under Order 22 Rule 9 and Rule 4 of the CPC. Learned counsel for the appellant would submit that during pendency of the appeal, respondent No.5 Bhaiyaram expired on 27.04.2019 left behind his legal representative namely Smt. Devki Bai D/o Bhaiyaram may kindly be taken on record. It has also been submitted by learned counsel for the appellant that the delay in filing of the application has been occurred due to lack of knowledge about death of respondent No.5. Learned counsel for respondents No.1 to 5A opposes this application and would submit that there is huge delay and no satisfactory explanation has been given, therefore, the application for setting aside abatement may kindly be dismissed. After considering the submission made by both the parties and on the perusal of IAs, it is noticed that the delay in filing the substitution was caused on account of the bona-fide reasons and the same was allowed, hence I.A.No.4 and 5 are allowed and delay in filing the substitution

	applications is condoned and also the abatement is set aside. Let necessary amendment be carried out within a week. List this case after three weeks. Sd/- (Narendra Kumar Vyas) Judge
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