



2015:JHHC:19885

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 70 of 2004

Mir Asraf Hussain alias Ashu ... Appellant(s)
Versus

Mir Manjur Hussain & others ... Respondent(s)

CORAM : HONBLE MR. JUSTICE D. N. UPADHYAY

For the Appellant : Mr. D. K. Karmakar

For the Respondents :

22/ 15.4.2014: It appears from the record that respondent No. 2, 3 and 6 died issueless and therefore, they have not been substituted and the appellant has not filed any petition to delete names of those dead respondents. So far as respondent No. 4 and 5 are concerned, the appeal as against them stood rejected vide order dated 8.7.2008.

Counsel appearing for the respondent No. 1 submits that he has taken his file presuming that the miscellaneous appeal stands dismissed for non-prosecution.

Counsel appearing for the appellant submits that sole appellant died and the legal heirs have filed I.A. No. 8946 of 2013 to substitute and allow them to proceed with the appeal.

The petition to substitute the legal heirs has not been filed within time.

In the circumstances, learned counsel who has filed petition to substitute the legal heirs of the sole appellant is directed to file requisites of notice to be served against respondent No. 1 under registered post with A/D as well as by ordinary process within ten days on the point of substitution.

(D.N. Upadhyay, J.)