

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No.104 of 2001

Dibru Oraon & Another				Appellants
<i>Versus</i>				
Mangra Oraon & Others				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants	: Mr. Amar Kr. Sinha, Advocate
For the Respondents	: Mr. Alok Lal, Advocate

Order No.09 Dated- 11/07/2022

I.A. No.3893 of 2022

Heard the parties.

2. Learned counsel for the legal representatives of the deceased appellant Nos.1 and 2 submits this interlocutory application has been filed with a prayer for substituting the legal representatives of the deceased appellant No.1 namely Dibru Oraon who died on 19.09.2020 leaving behind his only one legal representative whose name, parentage and address has been mentioned in para-3 of the instant interlocutory application and also for substituting the legal representatives of the deceased appellant No.2 namely Lalu Oraon who died on 20.08.2017 leaving behind his only two legal representatives whose names, parentage and addresses have been mentioned in para-4 of the instant interlocutory application.

3. Mr. Amar Kr. Sinha- learned counsel for the legal representatives of the deceased appellant Nos.1 and 2 files the photocopy of the death certificate of appellant No.1 namely Dibru Oraon issued by the Registrar of Births & Deaths and the death certificate of appellant No.2 namely Lado Oraon issued by St. Ursula Hospital, Lohardaga. It is next submitted that the appellants, being unaware about the legal procedure, could not take steps for their substitution within time, hence, there was a delay in filing the petition for substitution. It is next submitted that unless the delay in filing the substitution petition is condoned and abatement, if any is set aside, the appellants will be highly prejudiced.

4. Considering the aforesaid facts, the delay in filing the petition for substitution is condoned, abatement, if any, is set aside and the prayers for substitution of the legal representatives of the deceased appellant No.1 namely Dibru Oraon and appellant No.2 namely Lalu Oraon, as prayed for, is allowed as appellant No. 1 (a) and appellant No.2 (a) and 2 (b) respectively.

5. Registry is directed to incorporate the name of only one legal representative of the appellant No.1 namely Dibru Oraon whose name, parentage and address has been mentioned in para-3 of the instant interlocutory application and to incorporate the name of only two legal representative of the appellant No.2 namely Lalu Oraon whose names, parentages and addresses have been mentioned in para-4 of the instant interlocutory application and to mention the word 'Dead' against the names of the both the appellants namely Dibru Oraon and Lado Oraon with red ink in the cause title of the appeal memo.

6. This interlocutory application stands disposed of.

(Anil Kumar Choudhary, J.)

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Mr. Amar Kr. Sinha- learned counsel has filed power on behalf of appellant Nos.1 (a) and 2 (a) to 2 (b).

Learned counsel for the appellants prays for time to advance arguments on the merits of the appeal.

Prayer for time is allowed as the last chance.

List this appeal after sixteen weeks.