



2024:JHHC:44747

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Writ Jurisdiction]

W.P.(C) No. 5934 of 2007

Bindu Mahto & Ors.

.... . Petitioners

Versus

The State of Jharkhand & Ors.

.. ... Respondents

CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO

For the Petitioners

: Mr. R.C. Sahu, Advocate

For the respondent Nos.8 & 9

: Mr. Shekhar Prasad Sinha, Advocate

25/ 16.11.2021.

Heard, learned counsel for the parties.

Learned counsel for the petitioners, Mr. R.C. Sahu has submitted that I.A. No.5701 of 2021 has been filed for modification of order dated 14.08.2008, passed in I.A. No.2126 of 2008 whereby in place of respondent no.7- Kishun Mahto substitution of respondent nos.7(a) and 7(b) has been allowed, which was prayed vide I.A. No.2126 of 2008.

Learned counsel for the petitioners has further submitted that I.A. No.2126 of 2008 has been allowed and disposed of on 14.08.2008 whereby the petitioners have prayed for substitution of respondent nos.4 and 7.

Learned counsel for the petitioners has further submitted that respondent no.7- Kishun Mahto has died, but wrong persons have been substituted in place of Kishun Mahto as respondent no.7(a) i.e. Prameshwar Mahto and 7(b) i.e. Khemlal Mahto.

Learned counsel for the petitioners has further submitted that as per the correct information for which this Interlocutory Application bearing I.A. No.5701 of 2021 has been filed, it appears that Kishun Mahto (respondent no.7) has died leaving behind his four sons namely, (1) Nakul Mahato, (2) Madan Mahato, (3) Hari Mahato and (4) Bhaktu Mahato. The eldest son, Nakul Mahato has also died prior to death of his father, Kishun Mahto, leaving behind his only son namely, Sunil Mahato to be substituted as legal heirs of Kishun Mahto.

Learned counsel for the petitioners has thus submitted that following legal heirs/ legal representatives of Kishun Mahto may be substituted:-

7(a)(i) Sunil Mahato, S/o Late Nakul Mahato and grand son of Kishun Mahto

7(b) Madan Mahato, S/o Late Kishun Mahto

7(c) Hari Mahato, S/o Late Kishun Mahto

7(d) Bhaktu Mahato, S/o Late Kishun Mahto

Learned counsel for the respondent nos.8 & 9, Mr. Shekhar Prasad Sinha has no objection.



Considering the same, order dated 14.08.2008, passed in I.A. No.2126 of 2008 is hereby modified and notice being issued in I.A. No.5701 of 2021.

Let notice be issued to proposed legal heirs of respondent no.7 i.e. 7(a)(i) Sunil Mahato, S/o Late Nakul Mahato and grand son of Kishun Mahto, 7(b) Madan Mahato, S/o Late Kishun Mahto, 7(c) Hari Mahato, S/o Late Kishun Mahto and 7(d) Bhaktu Mahato, S/o Late Kishun Mahto under both process i.e. under registered cover with A/D as well as under ordinary process for which requisites etc. must be filed within a period of two weeks.

Put up this case along with I.A. No.5701 of 2021 after service of notice.

(Kailash Prasad Deo, J.)