

IN THE HIGH COURT OF JHARKHAND AT RANCHI
SA No. 39 of 2005

Md. Fakruddin & Ors. Appellants

Versus

Md. Tahir Mian & Ors. Respondents

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. K.K. Ambastha, Adv.
For the Respondents : Mr. Rajesh Kumar, Adv.

18 / 07.07.2022 **I.A. No. 7270 of 2021**

Learned counsel for the appellants submits that this Interlocutory Application has been filed with a prayer to substitute the legal representatives of the deceased appellant no. 3- Md. Sanaullah who died on 29.04.2021 leaving behind his only 11 legal representatives whose names, addresses and parentage has been mentioned in paragraph 3 of the interlocutory application. It is next submitted that the due to COVID-19 pandemic, the appellants could not immediately take steps for substitution within the stipulated time, which resulted in delay in filing the petition for substitution and unless the delay in filing the petition for substitution of the only 11 legal representative of the deceased appellant no. 3 is condoned, the abatement if any, is set aside and the prayer for substitution of the only 11 legal representatives of the deceased appellant no. 3 is allowed, the appellant will be highly prejudiced.

Considering the aforesaid facts and circumstances of the case, the delay in filing the petition for substitution is condoned, the abatement, if any, is set aside and the prayer to substitute the only 11 legal representative of the deceased appellant no. 3 as appellant nos. 3 (a) to 3 (k) is allowed.

Registry is directed to incorporate the names, parentage

and addresses of the only 11 legal representative of the deceased appellant no. 3 as appellant nos. 3 (a) to 3 (k) in the cause title of the appeal memo with 'Red Ink'. Registry is also directed to mention the word 'Dead' against the name of the deceased appellant no. 3 in the cause title of the appeal memo.

This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

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Perusal of the record reveals that the notice issued to the respondent nos. 4, 6, 7 and 10 has returned unserved with the endorsement that they have died.

Learned counsel for the appellants prays for time to take steps for filing the petition for substitution of the legal representatives of the said deceased respondents.

Prayer for time is allowed as the last chance.

List this appeal after six weeks.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-