

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 556 of 2004
With
I.A. No. 2960 of 2013
With
I.A. No. 2961 of 2013
With
I.A. No. 3921 of 2025

Mhd. Ishaque Ali and Ors. **Appellants**
Versus
The State through D.C. Dumka and Ors. **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. Praveen Shankar Prasad, Advocate
: Md. Faiyaj Alam, Advocate
For Private Respondents : Ms. Mridula Thakur, Advocate

17/06.04.2026

Learned counsel for the appellants and private respondents are present.

I.A. No. 2960 of 2013, I.A. No. 2961 of 2013 and I.A. No. 3921 of 2025

2. Learned counsel for the appellants has submitted that I.A. No. 2960 of 2013 has been filed for substitution of appellant no. 1 and respondent nos. 4 and 5. He submits that the appellant no. 1 has expired on 13.11.2010, respondent no. 4 has expired on 18.03.2008 and respondent no. 5 has expired on 14.11.2010.

3. The learned counsel has submitted that petitions for setting aside abatement and for condonation of delay have been filed through I.A. No. 3921 of 2025 and I.A. No. 2961 of 2013 respectively. He further submits that there is delay of 625 days in filing the substitution petition with respect to appellant no. 1 and with respect to respondent nos. 4 and 5, there is delay of 1651 days and 624 days respectively in filing the petition for substitution.

4. Learned counsel for the appellants has further submitted that so far as the legal heirs and successors of appellant no.1 are concerned, he has already filed *Vakalatnama* on their behalf.

5. Notices were issued upon proposed legal heirs and successors of respondent nos. 4 and 5. The learned counsel for the appellants submits that considering the office note, the notices be accepted as validly served, inasmuch as, the respondent nos. 4(a), 4(b), 4(c), 4(d), 5, 5 (a), 5(b), 5(d) and 5(e) have been received by themselves and so far as respondent no. 5(c) is concerned, the notice upon respondent no. 5(c) has been received by respondent no. 5(a) who is admittedly his close relative.

6. Learned counsel for the private respondents has submitted that she has no instructions from the proposed legal heirs and successors of respondent nos. 4 and 5.

7. Considering the office note, the notice upon proposed legal heirs and successors of respondent no. 4 and respondent no. 5 is accepted as validly served.

8. To this, learned counsel for the appellants has submitted that the matter has remained pending before this Court since the year, 2004 and in the meantime, the appellant no. 1 and respondent nos. 4 & 5 have expired. He submits that prayer for substitution be allowed after condoning the delay in filing the petition for substitution and also setting aside the abatement.

9. This Court finds that this appeal has remained pending before this Court since 2004 and it was admitted for final hearing vide order dated 07.05.2009 and earlier, petition seeking substitution of appellant nos. 1, 4 and 5 was filed through I.A. No. 2248 of 2012 and another interlocutory application being I.A. No. 3258 of 2012 was also filed. However, those interlocutory applications were permitted to be withdrawn with permission to file fresh one vide order dated 03.05.2013 and thereafter, the present interlocutory application being I.A. No. 2960 of 2013 for substitution of appellant no. 1 and respondent nos. 4 & 5 and other two interlocutory applications seeking condonation of delay and setting-aside abatement have also been filed.

10. Being satisfied with the cause shown as mentioned in the interlocutory applications, the prayer seeking condonation of delay in filing the substitution petition is allowed. The prayer for setting-aside

abatement is also allowed. The prayer for substitution of appellant nos. 1 and respondent nos. 4 & 5 is allowed.

11. Learned counsel for the appellants is directed to delete the names of appellant no.1 and respondent nos. 4 & 5 from the cause-title and insert the names of their legal heirs and successors in red ink within a period of one week from today.

12. I.A. No. 2960 of 2013, I.A. No. 2961 of 2013 and I.A. No. 3921 of 2025 are accordingly allowed.

S.A. No. 556 of 2004

13. Post this case on 15th April, 2026 under the heading “For Final Disposal”.

(Anubha Rawat Choudhary, J.)

Pankaj