

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**S.A. No. 593 of 2004**

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Indardeo Yadav & Ors. .... Appellants  
*Versus*  
Sukhlal Mahto & Ors. .... Respondents  
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**CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Appellants : Mr. Ayush Aditya, Advocate  
For the Respondent : Mr. V.S. Prasad, Advocate  
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**Order No.16 Dated- 08.09.2022**

**I.A. No.8101 of 2022**

Heard the parties.

Learned counsel for the legal representatives of the deceased appellant no.1 submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the appellant no.1- Indradeo Yadav. It is submitted by the learned counsel for the legal representatives of the deceased appellant no.1 that appellant no.1- Indradeo Yadav died on 16.01.2016 leaving behind his only five legal representatives whose names, parentage and addresses have been mentioned at paragraph no.3 of this interlocutory application. It is further submitted that in this interlocutory application prayer has also been made to substitute the legal representatives of the deceased respondent no.1- Sukhlal Mahto, respondent no.2- Chandradeo Mahto, respondent no.7- Bigan Mahto and respondent no.10- Chander Mahto who died in the year 2007, 2020, 2005 and 2005 respectively leaving behind their only 3, 1, 2 and 2 legal representatives respectively whose names, parentage and addresses have been mentioned at paragraph no.4 of this interlocutory application. It is further submitted that the legal representatives of the deceased appellant no.1 are poor tribal and rustic villagers and they could not inform about the death of the respondents to their counsel within the statutory period and the same resulted in delay in filling the petition for substitution. It is further submitted that unless the delay is condoned and the abatement if any, is set aside and the prayer to

substitute the only five legal representatives of the deceased appellant no.1, only three legal representatives of the deceased respondent no.1, only one legal representatives of the deceased respondent no.2, only two legal representatives of the deceased respondent no.7 and only two legal representatives of the deceased respondent no.10 is allowed, the appellants will be highly prejudiced.

Considering the aforesaid facts and circumstances of the case, the delay in filing the petition for substitution is condoned and the abatement, if any, is set aside and the prayer to substitute the only five legal representatives of the deceased appellant no.1, only three legal representatives of the deceased respondent no.1, only one legal representatives of the deceased respondent no.2, only two legal representatives of the deceased respondent no.7 and only two legal representatives of the deceased respondent no.10 whose names, parentage and addresses have been mention in paragraph nos.-3 and 4 of the interlocutory application as appellant nos. 1 (a) to 1 (e), respondent nos. 1 (a) to 1 (c), respondent nos. 2 (a), respondent nos. 7 (a) and 7 (b) and respondent nos. 10 (a) and 10 (b) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said appellant nos. 1 (a) to 1 (e), respondent nos. 1 (a) to 1 (c), respondent nos. 2 (a), respondent nos. 7 (a) and 7 (b) and respondent nos. 10 (a) and 10 (b) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the deceased appellant no.1 and deceased respondent nos.1, 2, 7 and 10.

This interlocutory application is disposed of accordingly.

**(Anil Kumar Choudhary, J.)**

**S.A. No. 593 of 2004**

Heard the parties.

Issue notice to the respondent nos. 1 (a) to 1 (c), respondent nos. 2 (a), respondent nos. 7 (a) and 7 (b) and respondent nos. 10 (a) and 10 (b).

The appellants are directed to file requisites for service of notice on the respondent nos. 1 (a) to 1 (c), respondent nos. 2 (a), respondent nos. 7 (a) and 7 (b) and respondent nos. 10 (a) and 10 (b) by registered post with A/D as well as under ordinary process within four weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this appeal after receipt of the service report of the notice issued to the respondent nos. 1 (a) to 1 (c), respondent nos. 2 (a), respondent nos. 7 (a) and 7 (b) and respondent nos. 10 (a) and 10 (b).

Sonu-Gunjan/-

**(Anil Kumar Choudhary, J.)**