

IN THE HIGH COURT OF JHARKHAND AT RANCHI
SA No. 119 of 2008

Rajendra Ram & Anr. Appellants

Versus

Smt. Radhika Devi & Ors. Respondents

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. Sanjay Kr. Pandey, Adv.
For the Respondents : Mr. K.K.Ambastha , Adv.

13 / 29.09.2022

I.A. Nos. 8954 of 2022 with 9035 of 2022

Heard the parties.

Learned counsel for the appellants submits that Interlocutory Application no. 8954 of 2022 has been filed with a prayer to substitute the legal representatives of the deceased appellant no. 1- Rajendra Ram who died on 26.02.2018 leaving behind his only 05 legal representatives whose names, addresses and parentage has been mentioned in paragraph 4 of the interlocutory application. It is next submitted that Interlocutory Application no. 9035 of 2022 has been filed with a prayer to condone the delay in filing the petition for substitution and setting aside the abatement. Learned counsel for the appellants submits that the appellant no. 1 used to look after the appeal, hence, other appellants were not aware about the present status of the appeal, which resulted in delay in filing the petition for substitution and unless the delay in filing the petition for substitution of the only 05 legal representative of the deceased appellant no. 1 is condoned, the abatement if any, is set aside and the prayer for substitution of the only 05 legal representatives of the deceased appellant no. 1 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, the abatement, if any, is set aside and the prayer to substitute the only 05 legal representative of the deceased appellant no. 1 as appellant no. 1(a) to 1(e) is allowed.

Registry is directed to incorporate the names of the only 05 legal representative of the deceased appellant no. 1 as appellant no. 1(a) to 1(e) 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. 1 in the cause title of the appeal memo.

These interlocutory applications are disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

I.A. No. 1211 of 2012

Learned counsel for the appellants submits that this Interlocutory Application no. 1211 of 2012 was filed along with Interlocutory Application no. 1210 of 2012 with a prayer to condone the delay of I.A. no. 1210 of 2012 but though the 1210 of 2012 has already been disposed of but no formal order has been passed for disposing of I.A. no. 1211 of 2012.

Considering the aforesaid facts, the I.A. no. 1211 of 2012 be treated as disposed of.

(ANIL KUMAR CHOUDHARY, J.)

SA No. 119 of 2008

Learned counsel for the appellants prays for time.

Prayer for time is allowed as the last chance.

List this appeal after twenty weeks.

(ANIL KUMAR CHOUDHARY, J.)