

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Second Appeal No. 23 of 1999

Abdul Qaum Ansari Appellant
Versus
Md. Nasimuddin & Others Respondents

Coram:HON'BLE MR. JUSTICE NARENDRA NATH TIWARI

For the Petitioner : Mr. R.N. Sahay, Sr.Advocate
For the Respondents : None

I.A. No. 1679/2013

13/06-09-2013 In this I.A., the appellant has prayed for condonation of delay, setting aside abatement and for substitution of heir and legal representative of respondent no. 3-Most. Sogra.

It has been stated that the said respondent no. 3 died on 07.01.2012 leaving behind her son Md. Hakim, whose name and address is given in paragraph 2 of the application.

It has been submitted that the appellant was not aware of the death of the said respondent no. 3 and he came to know about the death of Most. Sogra on 1.3.2013 in Tisri Bazar where he had gone in connection with some work. Immediately thereafter he contacted the counsel on 6.3.2013 and filed this application without any delay.

It has been further submitted that there was no wilful delay or laches on the part of the appellant and he was prevented from filing application under the aforesaid circumstance beyond his control.

In spite of service of a copy of this application, no one appears to oppose this application.

Considering the reasons explained in the application, this Court is satisfied that there was no wilful delay on the part of the appellant in not filing the application earlier and that he was prevented from doing so under the circumstance stated in the application.

Considering the above, the delay in filing the application is condoned. Abatement is set aside and the prayer for substitution of heir and legal representative of respondent no. 3 is allowed.

I.A. No. 1679/2013 is disposed of.

(Narendra Nath Tiwari, J)