

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F. A. No. 57 of 2025

Jubeda Khatoon and Others	...	...	Appellants
Versus			
Abdul Rauf Khan and Others	...	...	Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants	: Mr. Mehul Raj, Advocate
For the Respondents	: None

12/04.05.2026

(I.A. No.370 of 2026 & I.A. No. 371 of 2026)

1. Interlocutory application being I.A. No. 370 of 2026 has been filed for substitution to respondent No. 1 namely Abdul Rauf Khan who is said to have expired on 05.11.2017.
2. Learned counsel has submitted that the petition being I.A. No. 371 of 2026 seeking condonation of delay of two 2628 days have also been filed.
3. The impugned judgment reveals that the suit was filed and notice was issued and the defendant No.1 to 5 including respondent No. 1 herein had appeared and filed *Vakalatnama*. However, their right to file written statement was closed vide order dated 17.10.2025. The suit was dismissed for default on 20.07.2016 and was restored on 18.03.2019 and it appears that in the meantime the respondent No.1 herein who was the defendant No.1 in the suit did not appear and the suit was ex-parte.
4. Learned counsel has further submitted that the judgment and decree passed on 18.09.2024 was ex-parte and the suit was instituted on 06.12.2014 and only upon issuance of notice in the first appeal, the appellants came to know that the respondent No.1 has expired. The names of legal heirs and successors of respondent No.1 have been mentioned in paragraph 10 of the I.A. No. 370 of 2026.

5. Issue notice to the proposed legal heirs and successors of respondent No.1 mentioned in paragraph 10 of I.A. No. 370 of 2026 and also in I.A. No. 371 of 2026 through the concerned police station, for which requisites be filed by the appellants latest by 14th May, 2026.
6. Post this case on 30th June, 2026 awaiting service of notice.
7. Office is directed to call for the records of Miscellaneous Case No. 4 of 2017 which is related to Title Suit No. 570 of 2014 as mentioned in order dated 23.04.2019/04.06.2019 of the learned trial court's record from the concerned court.
8. Let a copy of this order be communicated to the concerned court through "Fax/e-mail".

(Anubha Rawat Choudhary, J.)

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