

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Writ Jurisdiction)**  
**W.P. (C) No. 1422 of 2019**

.....

Md. Alamgir ..... Petitioner  
**Versus**  
Md. Maqbool & Others ..... Respondents

**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**

.....

For the Petitioner : Mr. Akchansh Kishore, Advocate.  
For the Respondents :

.....

**06/28.07.2022.**

Learned counsel for the petitioner, Mr. Akchansh Kishore has submitted, that the defendant / appellant / petitioner has preferred this writ petition against the order dated 06.02.2019, passed by learned District Judge-I, Giridih in Civil Appeal No. 22/2016, whereby the application filed by the petitioner for substitution of defendant no. 8, Bibi Alam Ara and defendant no. 10 Bibi Zahan Ara has been dismissed on the ground of limitation. Thus, the appeal has abated.

Learned counsel for the petitioner has submitted, that respondent no. 11 Bibi Sakina, wife of Late Ali Hussain has died issueless, as such the impugned order with respect to respondent nos. 8 & 10 is bad in law as far as the appeal can abate so far legal heirs of respondent nos. 8 & 10 are concerned, but so far Respondent No. 10 is concern, the substitution petition has been filed within time on 14.05.2018 with regard to death on 20.04.2018.

Let notice be issued upon the proposed legal heirs of respondent nos. 8 & 10 under Speed Post and also by personal service of notice, for which requisites etc. must be filed by 05.08.2022.

Office to track the Speed Post delivery.

Petitioner shall file affidavit after service of notice upon the respondents.

**(Kailash Prasad Deo, J.)**

Sunil/-