

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 75 of 2003

Smt. Padda Devi				Appellant
	<i>Versus</i>			
Bahadur Mahto & Ors.				Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : None
For the Respondents : None

Order No.18 Dated- 12.09.2022

I.A. No.5452 of 2022

Perusal of the record reveals that this interlocutory application has been filed with a prayer to substitute the legal representatives of the deceased respondent no.4 - Jitu Mahto who died in the year 2017 leaving behind his only seven legal representatives whose names, parentage and addresses have been mentioned at paragraph no.3 of this interlocutory application. It has further been mentioned in the instant interlocutory application that the appellant is an old lady and rustic villager and she was not aware about the procedural law, hence the petition for substitution could not be filed within the stipulated time and the same resulted in delay in filling the petition for substitution. It has also been mentioned in this instant interlocutory application that unless the delay is condoned and the abatement if any, is set aside and the prayer to substitute the only seven legal representatives of the deceased respondent no.4 - Jitu Mahto as respondent nos. 4(a) to 4(g) 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 seven legal representatives of the deceased respondent no.4 - Jitu Mahto whose names, parentage and addresses have been mentioned in paragraph no. 3 of the interlocutory application as respondent nos. 4(a) to 4(g) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said respondent nos. 4(a) to 4(g) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the deceased respondent no.4.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 75 of 2003

Perusal of the record reveals that though vide order dated 21.06.2019 in I.A. No. 3788 of 2017, orders have been passed to substitute the deceased respondent no.1 by his two legal representatives whose names, parentage and addresses have been mentioned in para-2 of the said interlocutory application but the same has not been incorporated in the memo.

Registry is directed to incorporate the names, parentage and addresses of the said two legal representatives of the deceased respondent no.1 as respondent nos. 1(a) & (b) in the cause title of the appeal memo.

Issue notice to the respondent nos. 4(a) to 4(g), and respondent nos. 1(a) & (b).

The appellants are directed to file requisites for service of notice on the respondent nos. 4(a) to 4(g), and respondent nos. 1(a) & (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. 4(a) to 4(g), and respondent nos. 1(a) & (b).

Perusal of the record further reveals that though vide order dated 24.12.2003 the appeal has been admitted but the Lower Court Records have not been called for.

In the meanwhile, call for the Lower Court Records.

(Anil Kumar Choudhary, J.)