

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 41 of 2014

Anant Mahto & Ors.				Appellants
<i>Versus</i>				
Dripnath Mahto & Ors.				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant	: Mr. K.K. Ambastha, Advocate
For the Respondent No.2	: Mr. B.K. Prasad, Advocate

Order No.06 Dated- 14.07.2022

I.A. No.2024 of 2014

Heard the parties.

This interlocutory application has been filed with a prayer to condone the delay of 213 days in filing this appeal.

It is submitted by the learned counsel for the appellants that as the appellant no.1 was seriously ill and he became physically disabled and the appellant nos.2 to 4 remained busy in the treatment of appellant no.1 hence immediately they could not file the appeal which resulted in delay in filing this appeal. It is then submitted that the delay in filing this appeal in neither deliberate nor intentional. It is next submitted that the appellant has very good grounds to agitate in this appeal and unless the delay is condoned, the appellants will be highly prejudiced.

Learned counsel for the respondent no.2 vehemently opposes the prayer and submitted that the appellants are deliberately causing delay and harassing the respondent no.2. Hence, the respondent no.2 be adequately compensated.

Considering the aforesaid facts, the delay of 213 days in filing this appeal is condoned subject to payment of costs of Rs.2,000/- by the appellants to the respondent no.2 through the counsel appearing in the record within six weeks, failing which this conditional order shall not be given effect to and this appeal shall stand dismissed being barred by time.

If the proof of payment of costs of Rs.2,000/- by the appellants to

the respondent no.2 through the counsel appearing in the record is filed within six weeks, list this appeal under the heading '**for Admission**' after sixteen weeks as the last chance.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 41 of 2014

Heard the parties.

The service report of notice issued the respondent nos.3, 4 and 5 has returned with the endorsement that the respondent nos.3, 4 and 5 have died since long.

Hence, this appeal abates in respect of respondent nos.3, 4 and 5. Registry is directed to mention the same against the name of the said respondents in the cause title of the appeal memo.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)