

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

Anant Mahto & Others				Appellants
<i>Versus</i>				
Dripnath Mahto & Another				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants	: Mr. Kundan Kr. Ambastha, Advocate Mr. Amar Kr. Sinha, Advocate Mr. Sumit Kumar, Advocate
For the Respondents	: Ms. Shreesha Sinha, Advocate Mr. B. K. Prasad, Advocate

Order No:-11 Dated:-11-07-2024

I.A. No.2218 of 2023

Heard the parties.

Learned counsel for the appellants submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the deceased respondent No.1 namely Dripnath Mahto who died on 16.04.2016 leaving behind his only four legal representatives whose names, parentages and addresses have been mentioned in para-1 of the instant interlocutory application. It is next submitted that the appellants were not aware about the death of the respondent No.1 immediately after his death and sometime was required for collecting the name and address of the legal heirs of respondent No.1. It is next submitted that the appellants are rustic villagers and they were not acquainted with the procedural law for filing substitution petition in the event of death of a party, hence, the same resulted in delay in filing the petition for substitution. It is next submitted that unless the delay in filing the petition for substitution is condoned and abatement, if any, is set aside, the appellants will be highly prejudiced.

Considering the aforesaid facts, the delay in filing the petition for substitution is condoned, abatement of this appeal in respect of respondent No.1, is set aside and the prayer for substitution of only four legal representative of the deceased respondent No.1 namely Dripnath Mahto, as prayed for, is allowed.

Registry is directed to incorporate the names, parentage and addresses of only four legal representatives of the deceased respondent No.1 namely Dripnath Mahto whose names, parentages and addresses have been mentioned in para-1 of the instant interlocutory application as respondent No.1 (a) to 1 (d) and to mention the word 'Dead' against the name of respondent No.1 namely Dripnath Mahto with red ink in the cause title of the appeal memo.

This interlocutory application stands disposed of.

(Anil Kumar Choudhary, J.)

S.A. No.41 of 2014

Perusal of the record reveals that vide order dated 05.12.2022 prayer for time was allowed to the appellants subject to payment of cost of Rs.8,000/- by the appellants to the respondents and today also learned counsel for the appellants again prays for time.

Prayer for time is allowed subject to deposit of Rs.16,000/- by the appellants with the Jharkhand State Legal Services Authority (JHALSA) within four weeks from the date of this order, failing which, this appeal shall stand dismissed without further reference to the Bench.

List this appeal under the heading 'Hearing' under Order XLI Rule 11 of the Code of Civil Procedure after eight weeks in case the appellants file the proof of deposit of Rs.16,000/- by the appellants with the Jharkhand State Legal Services Authority (JHALSA) within four weeks from the date of this order.

Animesh/

(Anil Kumar Choudhary, J.)