

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 295 of 2017

Bhola Prasad & Ors.				Appellants
<i>Versus</i>				
Kishore Sao & Ors.				Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : None
For the Respondents : None

Order No.12 Dated- 12.01.2023

I.A. No.11915 of 2022

No one turns up on behalf of the parties' in-spite of repeated calls.

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.7- Khushi Nayak and the deceased respondent no.12 -Jageshwar Nayak. Perusal of the interlocutory application further reveals that respondent no.7- Khushi Nayak died on 23.09.2021 leaving behind his only two legal representatives whose names, parentage and addresses have been mentioned at paragraph no.3 of this interlocutory application. It has been further averred therein that the deceased respondent no.12 -Jageshwar Nayak died on 14.07.2020 leaving behind his only three legal representatives whose names, parentage and address have been mentioned in para-4 of the instant interlocutory application. It has next been averred in this interlocutory application that unless the delay in filing the petition for substitution is condoned, abatement, if any, is set aside and the prayer to substitute the only two legal representatives of the deceased respondent no.7 and the only three legal representatives of the deceased respondent no.12 is allowed, the appellants will be highly prejudiced.

Considering the fact that the respondents died during the Covid-19 Pandemic and consequential nationwide lockdown, the delay in filing the petition for substitution is condoned, abatement, if any, is set aside and the prayer to substitute the only two legal representatives of the deceased respondent no.7- Khushi Nayak whose names, parentage and addresses

have been mentioned in paragraph -3 of this interlocutory application as respondent nos. 7 (a) & 7 (b) and the only three legal representatives of the deceased respondent no.12 -Jageshwar Nayak whose names, parentage and addresses have been mentioned in paragraph -4 of this interlocutory application as respondent nos. 12(a), 12(b) & 12(c) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said only two legal representatives of the deceased respondent no.7 as respondent nos. 7 (a) & 7 (b) and the only three legal representatives of the deceased respondent no.12 as respondent nos. 12(a) to 12(c) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the deceased respondent nos.7 & 12.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 295 of 2017

Issue notice to the respondent nos. 7 (a) & 7 (b) and respondent nos. 12(a) to 12(c).

The appellants are directed to file requisites for service of notice on the respondent nos. 7 (a) & 7 (b) and respondent nos. 12(a) to 12(c) 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. 7 (a) & 7 (b) and respondent nos. 12(a) to 12(c).

Perusal of the record reveals that though requisites for notice is available in the record in respect of the respondent nos. 8, 9, 10 & 11 but notice has not yet been issued to them.

Issue notice to the respondent nos. 8, 9, 10 & 11 as well with Rule returnable within six weeks.