

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 256 of 2007

Bigal Tana Bhagat & Ors.				Appellants
<i>Versus</i>				
Most. Sukri Devi & Ors.				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants	: Mr. Vishal Kr. Tiwari, Advocate
For the Respondents	: Mr. Rahul Kr. Gupta, Advocate
	: Mr. Deepak Kr. Dubey, Advocate

Order No.09 Dated- 01.10.2024

I.A. No.11800 of 2022

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 nos.9, 10, 12 and 13 though erroneously it has been mentioned in this interlocutory application that substitution of the legal representatives of the deceased respondent nos.9, 10, 11 and 13 are required. It is next submitted that respondent no.9 - Laitu Uraon died on 14.03.2018 leaving behind his only legal representative whose name, parentage and address has been mentioned at paragraph no.4 of this interlocutory application. It is then submitted that respondent no.10 - Chaitu Uraon died on 17.12.2016 leaving behind his only four legal representatives whose names, parentage and addresses have been mentioned at paragraph no.5 of this interlocutory application. It is further submitted that respondent no.12 - Balku Uraon died on 13.03.2019 leaving behind his only five legal representatives whose names, parentage and addresses have been mentioned at paragraph no.6 of this interlocutory application and respondent no.13 - Ranthu Uraon died on 07.09.2019 leaving behind his only seven legal representatives whose names, parentage and addresses have been mentioned at paragraph no.7 of this interlocutory application. It is further submitted by the learned counsel for the appellants that Bigal Tana Bhagat who is the person, who looks after the case is a very old

man and seldom moves outside the house, therefore, he could not know about the death of the respondents sought to be substituted in this interlocutory application and the same resulted in delay in filing the petition for substitution. It is further submitted that unless the delay in filing the petition for substitution, is condoned and the abatement of the appeal against the said respondents is set aside and the prayer to substitute the legal representatives as prayer for in place of respondent nos.9, 10, 12 and 13, as prayed for 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 of the appeal against respondent nos. 9, 10, 12 and 13 is set aside and the prayer to substitute the only legal representative of the deceased respondent no.9, the only four legal representatives of the deceased respondent no.10, the only five legal representatives of the deceased respondent no.12 and the only seven legal representatives of the deceased respondent no.13 whose names, parentage and addresses have been mentioned at paragraph nos. 4, 5, 6 and 7 respectively of this interlocutory application as respondent nos. 9 (a), 10 (a) to 10 (d), 12 (a) to 12 (e) and 13 (a) to 13 (g) respectively is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said respondent nos. 9 (a), 10 (a) to 10 (d), 12 (a) to 12 (e) and 13 (a) to 13 (g) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the deceased respondent nos.9, 10, 12 and 13.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 256 of 2007

Heard the parties.

Mr. Deepak Kumar Dubey, Advocate undertakes to file *Vakalatnama* on behalf of the respondent nos. 9 (a), 10 (a) to 10 (d), 12 (a) to 12 (e) and 13 (a) to 13 (g) within three weeks.

Learned counsel for the appellants prays for time to advance argument on the merits of the appeal.

Perusal of the record reveals that earlier time was allowed to the appellants on deposit of Rs.2,000/- with JHALSA.

Prayer for time is allowed subject to deposit of Rs.4,000/- by the appellants with Jharkhand State Legal Services Authority (JHALSA) within four weeks, failing which, this appeal shall stand dismissed without further reference to the Bench.

If the proof of deposit of Rs.4,000/- with JHALSA by the appellants is filed within four weeks, list this appeal after eight weeks under the heading for hearing.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)