

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

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

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**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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| For the Appellants  | : Mr. Vishal Kr. Tiwary, Advocate |
|                     | : Mr. Binod Kr. Dubey, Advocate   |
| For the Respondents | : Mr. Rahul Kr. Gupta, Advocate   |
|                     | : Mr. Deepak Kr. Dubey, Advocate  |

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**Order No.10 Dated- 12.12.2024**

**I.A. No.11434 of 2024**

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.11- Charan Uraon. It is submitted that respondent no. 11- Charan Uraon died in the month of June, 2023 leaving behind his only seven legal representatives whose names, parentage and addresses have been mentioned at paragraph no.5 of this interlocutory application. It is further submitted by the learned counsel for the appellants that in fact, the name of the respondent no.11 is Charan Uraon but because of printing error, the name of the respondent no.11 has inadvertently been mentioned as Charwa Uraon in this interlocutory application at several places and accordingly, the parentage of the legal representatives be treated as Charan Uraon instead of Charwa Uraon mentioned at several places. It is further submitted that the appellants and respondents are not on talking terms hence, the appellants could not know about the death of the respondent no.11 immediately after his death, more so, because the appellant no.1 who is looking after the case is a very old man and he seldom moves out of his house and the same resulted in delay in filing the petition for substitution. It is further submitted that unless the delay is condoned and the abatement

of the appeal against the respondent no.11 is set aside and the prayer to substitute the only seven legal representatives of the deceased respondent no.11 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 no.11 is set aside and the prayer to substitute the only seven legal representatives of the deceased respondent no.11 whose names, parentage and addresses have been mentioned at paragraph -5 of this interlocutory application, with the parentage of the legal representatives be treated as Charan Uraon instead of Charwa Uraon; as respondent nos. 11 (a) to 11 (g) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said respondent nos. 11 (a) to 11 (g) in the cause title of the appeal memo with red ink, with the parentage of the legal representatives be treated as Charan Uraon instead of Charwa Uraon and mention the word 'dead' against the name of the deceased respondent no.11.

This interlocutory application is disposed of accordingly.

**(Anil Kumar Choudhary, J.)**

**S.A. No. 256 of 2007**

Heard the parties.

Issue notice to the respondent nos. 11 (a) to 11 (g) on the merits of the appeal.

The appellants are directed to file requisites for service of notice on the respondent nos. 11 (a) to 11 (g) by registered post with A/D as well as under process of the court within four weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case, the requisites are filed, list this appeal after receipt of the

service report of the notice issued to the respondent nos. 11 (a) to 11 (g).

Sonu-Gunjan/-

**(Anil Kumar Choudhary, J.)**