

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 100 of 2012

Nandu Mistry @ Nanhu Vishwakarma Appellant

Versus

Ram Bilas Vishwakarma & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Ajay Kr. Singh, Advocate

For the Respondents : Mr. Sheo Kr. Singh, Advocate

: Mr. Birendra Kumar, Advocate

Order No.06 Dated- 22.09.2022

Heard the parties.

The learned counsel for the appellant prays for time to address the Court on the issue that as the respondent no.19- Baijnath Vishwakarma died on 13.12.2008 during the pendency of Partition Appeal No.36 of 2008 and similarly, the respondent no.39- Surendra Vishwakarma also died during the pendency of Partition Appeal No.36 of 2008 on 30.03.2012 but no prayer was made for their substitution hence the impugned judgment and decree passed against two dead persons being the respondent nos.19 and 39 is a nullity and under such circumstances as to whether this second appeal is maintainable when the impugned judgment and decree is a nullity.

Prayer for time is allowed as the last chance.

List this appeal after six weeks.