

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 367 of 2012

Seema Devi and others

.....Appellants

Versus

The State of Jharkhand & Ors.

.....Respondents

With

L.P.A. No. 258 of 2012

Mutka Oraon

.....Appellant

Versus

State of Jharkhand & Ors.

.....Respondents

With

L.P.A. No. 295 of 2012

Mutka Oraon

.....Appellant

Versus

State of Jharkhand & Ors.

.....Respondents

**Coram: THE HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
THE HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Appellants : Mr. S.N. Sharma, Advocate
For the Respondents-State : Mr. Indranil Bhaduri, SC-IV
: Mr. Suman Marandi, AC to SC-IV

I.A. No. 548 of 2021 in L.P.A. No. 258 of 2012

30/22.1.2024 No one appears to press this interlocutory application.
The same is dismissed for non prosecution.

I.A. No. 1761 of 2022 in L.P.A. No. 258 of 2012

Heard Mr. S.N. Sharma, learned counsel for the appellant and Mr. Indranil Bhaduri, learned S.C. IV.

This interlocutory application has been preferred by the appellant for condoning the delay in filing the substitution petition for substituting the deceased appellant who has died on 9.10.2021.

The delay is of 105 days in filing the application for substitution of the deceased appellant.

Regard being had to the averments made in the instant application, the same is allowed and the delay of 105 days in filing the substitution application is hereby condoned.

I.A. No. 1761 of 2022 stands disposed of.

I.A. No. 1665 of 2022 in L.P.A. No. 258 of 2012

This interlocutory application has been pressed by Mr. S.N. Sharma, learned counsel appearing for the appellant who has submitted that the original appellant namely Mutka Oraon has died on 9.10.2021 and is being survived by his legal heirs as referred to in paragraph 4 of the instant application.

Regard being had to the averments made in the instant application, the same is allowed and the deceased appellant-Mutka Oraon is hereby substituted by his legal heirs as mentioned in paragraph 4 of the instant application.

Office to do the needful.

Mr. Sharma submits that he has already filed Vakalatnama on behalf of the substituted heirs of the deceased appellant-Mutka Oraon.

I.A. No. 1665 of 2022 stands disposed of.

I.A. No. 3210 of 2021 in L.P.A. No. 258 of 2012

Heard Mr. K.K. Ambastha, learned counsel, who has pressed this interlocutory application which is for impleading Md. Izaharul Haque, Md. Farooque and Nazamul Haque as party respondent no. 7 to 9 for the reasons mentioned in the instant application.

However, none of the proposed intervenors were parties in any of the proceedings either before the learned court below or before the learned Single Judge.

In such circumstance, therefore, we are not inclined to accede to the prayer made by Mr. Ambastha to implead the three persons noted above as intervenors in the instant L.P.A.

In such view of the matter, therefore, this application stands **rejected**.

I.A. No. 1663 of 2022 in L.P.A. No. 295 of 2012

This application has been pressed by Mr. S.N. Sharma, learned counsel appearing for the appellant.

This interlocutory application has been preferred by the appellant for condoning the delay in filing the substitution petition for substituting the deceased appellant who has died on 9.10.2021.

The delay is of 105 days in filing the application for substitution of the deceased appellant.

Regard being had to the averments made in the instant application, the same is allowed and the delay of 105 days in filing the substitution application is hereby condoned.

I.A. No. 1663 of 2022 stands disposed of.

I.A. No. 1664 of 2022 in L.P.A. No. 295 of 2012

This interlocutory application has been pressed by Mr. S.N. Sharma, learned counsel appearing for the appellant who has submitted that the original appellant namely Mutka Oraon has died on 9.10.2021 and is being survived by his legal heirs as referred to in paragraph 4 of the instant application.

Regard being had to the averments made in the instant application, the same is allowed and the deceased appellant-Mutka Oraon is hereby substituted by his legal heirs as mentioned in paragraph 4 of the instant application.

Office to do the needful.

Mr. Sharma submits that he has already filed Vakalatnama on behalf of the substituted heirs of the deceased appellant-Mutka Oraon.

I.A. No. 1664 of 2022 stands disposed of.

I.A. No. 3983 of 2021 in L.P.A. No. 295 of 2012

Heard Mr. K.K. Ambastha, learned counsel, who has pressed this interlocutory application which is for impleading Md. Izaharul Haque, Md. Farooque and Nazamul Haque as party respondent no. 12 to 14 for the reasons mentioned in the instant application.

However, none of the proposed intervenors were parties in any of the proceedings either before the learned court below or before the learned Single Judge.

In such circumstance, therefore, we are not inclined to accede to the prayer made by Mr. Ambastha to implead the three persons noted above as intervenors in the instant L.P.A.

In such view of the matter, therefore, this application stands **rejected**.

I.A. No. 546 of 2021 in L.P.A. No. 295 of 2012

None appears to press this interlocutory application.

The same is hereby dismissed for non-prosecution.

I.A. No. 1742 of 2022 in L.P.A. No. 367 of 2012

Mr. S.N. Sharma, learned counsel for the respondent, has pressed this interlocutory application which is for substitution of respondent no. 7-Mutka Oraon who has died during the pendency of this appeal on 9.10.2021 leaving behind his legal heirs as noted in paragraph 5 of the instant application.

Regard being had to the above, this application stands allowed and the respondent no. 7 is substituted by his legal heirs as mentioned in paragraph 5 of the instant application.

Office to do the needful.

No notice needs to be issued to the substituted heirs of the respondent no. 7 as Mr. Sharma has already put in appearance on behalf of them.

I.A. No. 1742 of 2022 stands disposed of

I.A. No. 1120 of 2021 in L.P.A. No. 367 of 2012

None appears to press the interlocutory application which accordingly stands dismissed for non-prosecution.

I.A. No. 547 of 2021 in L.P.A. No. 367 of 2012

None appears to press the interlocutory application which accordingly stands dismissed for non-prosecution.

I.A. No. 3982 of 2021 in L.P.A. No. 367 of 2012

Heard Mr. K.K. Ambastha, learned counsel, who has pressed this interlocutory application which is for impleading Md. Izaharul Haque, Md. Farooque and Nazamul Haque as party respondent no. 11 to 13 for the reasons mentioned in the instant application.

However, none of the proposed intervenors were parties in any of the proceedings either before the learned court below or before the learned Single Judge.

In such circumstance, therefore, we are not inclined to accede to the prayer made by Mr. Ambastha to implead the three persons noted above as intervenors in the instant L.P.A.

In such view of the matter, therefore, this application stands **rejected**.

L.P.A. No. 367 of 2012

With

L.P.A. No. 258 of 2012

With

L.P.A. No. 295 of 2012

Let all these matters be listed under the heading For Hearing on 31.1.2024 for final disposal.

(Rongon Mukhopadhyay, J)

(Deepak Roshan, J)

Rakesh/-