

IN THE HIGH COURT OF JHARKHAND, RANCHI

I.A. No.1680 of 2013

IN

S.A. No. 170 of 2005

Shanker Mistry, son of Late Boudhi Mistry, resident of village Mali Fasiya,
P.S. Godda (M), District Godda Appellant

-- Versus --

1. Shiv Narayan Mistry, son of Late Lalji Mistry, resident of village- Ghat
Dumaria, P.S. Godda(M), District-Godda,
2. Gopal Mistry, son of Sahdeo Mistry, resident of Village-Ghat Dumaria,
P.S. Godda(M), District - Godda. Respondents

CORAM :- HON'BLE MR. JUSTICE P.P. BHATT

For the Appellant :- Mr. Manoj Kumar Sah, Advocate
For the Respondents :- Mr. Uday Kant Thakur, Advocate

I.A. No.1680 of 2013

10/ **28.01.2015** The present application is filed under Order 22 Rule 3 of
the Code of Civil Procedure for substitution of the heirs and legal
representatives of Respondent No.1 namely Shiv Narayan Mistry, who
died on 01.01.2013 leaving behind two sons namely Prasad Sharma
and Hemkant Sharma, as stated in Paragraph No.3 of the application.

Heard learned counsel for the appellant as well as learned
counsel for the respondents.

Perused the application, which is supported by an affidavit.

For the reasons stated in the application, the same is
allowed.

Accordingly, the heirs and legal representatives of the
deceased respondent No.1 namely Shiv Narayan Mistry are ordered to
be substituted.

Necessary amendment be carried out by Red Ink in the
Cause Title of the Appeal Memo.

I.A. No.1680 of 2013 stands disposed of.

Learned counsel appearing on behalf of the respondents
has submitted that he will take instructions and file the Vakalatnama on
behalf of the substituted heirs and legal representatives of the
deceased respondent No.1 within four weeks.

(P.P. Bhatt, J.)