

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Miscellaneous Appellant Jurisdiction)**  
**F.A. No.143 of 2012**

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Kripa Shankar Jaiswal & Ors. .... Appellant(s)  
Versus  
Sri Kunal & Ors. .... Respondent(s)  
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**Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Appellants : Mr. Debolina Sen, Advocate  
For the Resp. Nos.1&2 : Mr. Om Prakash Tiwari, Adv.  
For the Resp. No.3 : Mr. Sheo Kr. Singh, Adv.  
For the Resp. Nos.3(i) to 3(iv) : Mr. Baban Prasad, Adv.  
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**Order No.21 Dated- 30.11.2023**

**I.A. No.10446 of 2023 & I.A. No.10615 of 2023**

Heard learned counsel for the appellants and learned counsel for the respondents.

2. Learned counsel for the appellants has filed two separate interlocutory applications, I.A. No.10615 of 2023 has been filed with a prayer to condone the delay of 825 days in filing the substitution application for substitution of heir(s) and legal representative(s) of the respondent No.2-Nilesh Kumar Pandey @ Miku Pandey and I.A. No.10446 of 2023 was filed to substitute the heirs and legal representatives of the respondent No.2-Nilesh Kumar Pandey @ Miku Pandey who died on 21.05.2021 during pendency of this appeal leaving behind his only four heirs/ legal representatives whose names, parentage and addresses have been mentioned at paragraph No.2 of the interlocutory application i.e. I.A. No.10446 of 2023. It is further submitted that respondent No.2-Nilesh Kumar Pandey @ Miku Pandey died during Covid-19 pandemic, that's why the appellants could not get information about his death and they came to know about his death only on 07.11.2023 when a copy of IA. No.10324 of 2023 served upon them and until the appellants knew about his death, the time for filing the substitution application within time has lapsed. It is further submitted that the delay in filing appeal is not willful and deliberate and the appellants have very good grounds to agitate in this appeal and unless the delay caused in filing the instant appeal is condoned, the appellants will be highly prejudiced. Hence, for the ends of justice, the delay occurred in filing the substitution application may be condoned and the substitution of heirs and legal representatives of the respondent No.2 may be allowed.

3. Learned counsel for the respondents has raised no objection.
4. Considering the aforesaid facts and circumstances and reason(s) pointed out by learned counsel for the appellants appears to be “sufficient cause” for not filing the substitution application within time and delay is without any willful fault of the appellants. Accordingly, the delay occurred in substitution of heirs and legal representatives of respondent No.2 is hereby, condoned.
5. Registry is directed to delete the name of the deceased respondent No.2-Nilesh Kumar Pandey @ Miku Pandey from the cause title and insert the name of his heir(s) and legal representatives, whose details have been mention in paragraph No.2 of the interlocutory application i.e. I.A. No.10446 of 2023 in “Red Ink” and mention the word ‘dead’ against the name of the deceased respondent No.2.
6. Accordingly, I.A. No.10446 of 2023 and I.A. No.10615 of 2023 are allowed.

**I.A. No.10324 of 2023**

1. The instant interlocutory application has been filed by Abhinav Kumar, heir and legal representative of the respondent No.2 for furnishing information about death of respondent No.2-Nilesh Kumar Pandey.
2. Learned counsel for the respondents submits that the respondent No.2-Nilesh Kumar Pandey @ Miku Pandey died on 21.05.2021 during pendency of the instant first appeal, leaving behind his four heir and legal representatives, whose names, parentage and addresses have been mentioned at paragraph No.4 of the instant interlocutory application. For the ends of justice, this interlocutor application may be allowed, furnishing the information about the death of the respondent No.2 to the appellants.
3. Considering the facts that substitution application for respondent No.2 has been allowed by condoning the delay in preferring the substitution application, the instant I.A. No.10324 of 2023 is disposed off.

**F.A. No.143 of 2012**

Let this appeal be listed after two weeks.

**(Pradeep Kumar Srivastava, J.)**