

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.R. No. 12 of 2014

Md. Eqbal Hassan & Anr. Petitioners
Versus
Zaibun Nisha Opposite Party

CORAM : HON'BLE MR. JUSTICE H. C. MISHRA

For the Petitioners : Mr. R.P. Gupta, Advocate.
For the Opposite Party : Mr. K.K. Ambastha, Advocate.

I.A. No. 6929 of 2015.

08/ 16.05.2019 This interlocutory application has been filed for substitution of the sole opposite party Zaibun Nisha, who died during the pendency of this revision on 26.9.2015. The substitution petition was filed on 16.12.2015. It is stated in this petition that the opposite party died leaving behind her legal heirs and representatives, as detailed in Paragraph-2 of the petition.

The factum of the death of the sole opposite party is not disputed by the learned counsel, who was appearing for her, and he has submitted that he shall be filing the Vakalatnama for the substituted legal heirs.

In that view of the matter, this interlocutory application is allowed and the deceased opposite party is directed to be substituted with her legal heirs and representatives, as mentioned in Paragraph-2 of the interlocutory application.

Since the learned counsel undertakes to file Vakalatnama for the substituted legal heirs, no fresh notice needs to be issued to the substituted legal heirs.

It is made clear that there is no stay order in this civil revision, staying the proceedings of Execution Case No. 9 of 1985, and as such, the proceedings in the Court below shall not be hampered on the pretext of pendency of this revision.

(H. C. Mishra, J.)