

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 201 of 2012

Parbati Kuer & Ors. Appellants
Versus

Vishwanath Prasad Gupta & Ors.
.... Respondents
With

S.A. No. 22 of 2013

CORAM:HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. C.S. Pandey, Advocate
For the Respondents : Mr. Baban Prasad, Advocate

Order No.16 Dated- 28.06.2024
I.A. No.8405 of 2022 (in S.A. No.201 of 2012)

Heard the parties.

Learned counsel for the appellants submits that this interlocutory application has been filed with a prayer to modify the order dated 14.02.2022 and 28.06.2022 whereby this Court mentioned in the order sheet dated 14.02.2022 that the respondent no.3 died but no fresh steps for substitution of the respondent no.3 has been taken hence, the appeal abates against the respondent no.3

It is submitted by the learned counsel for the appellants that the respondent no.3 is alive but respondent no.2 died issueless. I.A. No. 2920 of 2022 was filed in respect of the same. Hence, it is submitted that the necessary modification be made.

Perusal of the record reveals that on submission of the learned counsel for the appellants on 14.02.2022 it was ordered that the respondent no.3 has died and accordingly vide order dated 28.06.2022 this appeal was ordered to have been abated in respect of respondent no.3. Further the order dated 14.02.2022 has been modified by a coordinate Bench vide order dated 06.10.2023 which reads as under:-

“Considering the submission, in the order dated 14.02.2022, respondent no.3 be read as respondent no.2”.

In view of the aforesaid fact, the order dated 28.06.2022 passed in the said appeal is modified to the extent that the respondent no. 3 be read as respondent no.2.

Registry is directed to mention the word 'dead' against the name of the respondent no.2 in the cause title of the appeal memo with red ink.

The order dated 28.06.2022 passed in this appeal is modified to the aforesaid extent only and this order be treated as part of the order dated 28.06.2022 passed in this appeal.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 201 of 2012 with S.A. No. 22 of 2013

Heard the parties.

This appeal be listed before the appropriate Bench.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/