

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 173 of 2004

Mahabir Mahto				Appellant
	<i>Versus</i>			
Daso Mahto & Ors.				Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Prabhash Kumar, Advocate
For the Respondents : Mr. Sunil Kumar, Advocate

Order No.09 Dated- 30.11.2022

I.A. No.10694 of 2022

Heard the parties.

Learned counsel for the legal representatives of the sole deceased appellant submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the sole deceased appellant – Mahabir Mahto who died on 28.02.2022 leaving behind his only five legal representatives whose names, parentage and addresses have been mentioned at paragraph no.5 of this interlocutory application. It is further submitted by the learned counsel for the legal representatives of the sole deceased appellant that the appellant's sons who are his surviving legal representatives are very poor people and due to Covid -19 Pandemic, they could not contact their lawyer at Giridih and could not file substitution petition in time. It is further submitted that unless the delay is condoned and the abatement if any, is set aside and the prayer to substitute the only five legal representatives of sole deceased appellant – Mahabir Mahto is allowed, the legal representatives of the sole deceased appellant will be highly prejudiced.

Considering the aforesaid facts and circumstances of the case, the delay in filing the petition for substitution is condoned and the abatement, if any, is set aside and the prayer to substitute the only five legal representative of the sole deceased appellant – Mahabir Mahto whose names, parentage and addresses have been mentioned in paragraph -5 of this interlocutory application as appellant nos. 1 (a) to

1 (e) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said appellant nos. 1 (a) to 1 (e) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the sole deceased appellant – Mahabir Mahto.

This interlocutory applications is disposed of accordingly.

(Anil Kumar Choudhary, J.)

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Mr. Prabhash Kumar, Advocate has filed power on behalf of the appellant nos. 1(a) & 1(b) and he also undertakes to file power on behalf of the appellant nos. 1(c), 1(d) & 1(e) within four weeks, failing which, this appeal shall stand dismissed without further reference to the Bench.

If the power on behalf of the appellant nos. 1(c), 1(d) & 1(e) is filed within four weeks, list this appeal thereafter.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)