

IN THE HIGH COURT OF JHARKHAND AT RANCHI
SA No. 668 of 2016

Rajendra Nath Mahato Appellant

Versus

Shiba Ram Mahato Respondent

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. H.K.Mahato , Adv.

06 / 19.01.2023 I.A. No. 3831 of 2018

Heard the learned counsel for legal
representatives of the sole deceased appellant.

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- Rajendra Nath Mahto who died
on 21.12.2016 leaving behind his only 07 legal
representatives whose names, addresses and
parentage has been mentioned in paragraph 4 of the
interlocutory application. It is next submitted that the
sole deceased appellant was looking after the appeal
and hence, the legal representatives of the sole
deceased appellant were not aware about the present
status of the appeal and also being unaware of the
requirement of the filing the petition for substitution,
within the stipulated time, they could not take steps
immediately for filing the petition for substitution,
which resulted in delay in filing the petition for
substitution and unless the delay in filing the petition
for substitution of the only 07 legal representatives of
the sole deceased appellant is condoned, the
abatement if any, is set aside and the prayer for
substitution of the only 07 legal representatives of the

sole deceased appellant 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, the abatement, if any, is set aside and the prayer to substitute the only 07 legal representative of the sole deceased appellant as appellant nos. 1(a) to 1(g) is allowed.

Registry is directed to incorporate the name of the only 07 legal representatives of the sole deceased appellant as appellant nos. 1(a) to 1(g) in the cause title of the appeal memo with 'Red Ink'. Registry is also directed to mention the word 'Dead' against the name of the sole deceased appellant in the cause title of the appeal memo.

This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

I.A. No. 3394 of 2021

Learned counsel for the legal representatives of the sole deceased appellant submits that the interlocutory application has been filed with a prayer to substitute the legal representatives of the sole deceased respondent - Shiba Ram Mahato who died on 21.04.2021 leaving behind his only 04 legal representatives whose names, addresses and parentage has been mentioned in paragraph 3 of the interlocutory application. It is next submitted that the prayer for substitution of only 04 legal representatives of the sole deceased respondent is within time and unless the prayer for substitution of the only 04 legal representatives of the sole deceased respondent is allowed, the appellant will be highly prejudiced.

Considering the aforesaid facts and circumstances of the case, the prayer to substitute the only 04 legal representatives of the sole deceased respondent is allowed as the respondent nos. 1(a) to 1(d).

Registry is directed to incorporate the names and addresses and parentage of the only 04 legal representatives of the sole deceased respondent as respondent nos. 1(a) to 1(d) in the cause title of the appeal memo with 'Red Ink'. Registry is also directed to mention the word 'Dead' against the name of the sole deceased respondent, in the cause title of the appeal memo.

This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

SA No. 668 of 2016

Issue notice to the respondents nos. 1(a) to 1(d).

The legal representatives of the sole deceased appellant are directed to file requisites of notice through both processes i.e. under registered post with A/D as well as through ordinary process within three weeks, failing which, this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this appeal after receipt of the service report of the notice issued to said respondents.

(ANIL KUMAR CHOUDHARY, J.)