

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.R. No. 14 of 2012

Dasrath Oraon and Ors.

...Petitioner.

Versus

Suka Oraon and Anr.

... Opp.Parties.

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr.Rajesh Kumar, Advocate.

For the O.Ps. : -----

18/14.06.2018 I.A.NOs.5764/ 2014 with I.A.NO.5782/2014

The aforesaid interlocutory applications have been filed under Order 22 Rule 3 and 9(2) read with Section 151 of the C.P.C and Section 5 of the Limitation Act for condoning the delay in filing the substitution petition and setting aside the abatement, if any therein.

Learned counsel for the petitioner has submitted that petitioner no.2, namely, Jagarnath Oraon died on 08.07.2014 leaving behind his legal heirs/representatives as mentioned in para 3 of I.A.NO.5764/2014. It is submitted that the petitioner no.2 used to look after the cases and visit the counsel in connection with the case. That after his death petitioner no.1 came to Ranchi to meet the counsel on 26.09.2014 but he could not meet him. That after reopening of the court after Durga Puja Holidays petitioner no.1 met the counsel on 17.10.2014 and informed him regarding the death of petitioner no.2, thereafter he gathered information regarding the legal heirs of petitioner no.2 and filed the application.

It is submitted that there has been no deliberate or intentional laches on the part of the petitioner. The petitioners have a good case and if the delay is not condoned and legal heirs of petitioner no.2 are not substituted they shall suffer irreparable loss and injury.

On repeated call none appears on behalf of O.P.

Heard. In view of the reason assigned in the supporting affidavit the delay of 35 days in filing the substitution petition is hereby condoned and the legal heirs/representatives of petitioner no.2 as mentioned in para 3 of I.A.NO.5764/2014 is ordered to be brought on record.

Learned counsel for the petitioners shall carry out necessary correction in the cause title in course of the day.

I.A.NOs.5764/ 2014 with I.A.NO.5782/2014 are allowed and disposed of.

I.A.NOs.962/2017 with I.A.NO.5098/2017

Learned counsel for the petitioners has submitted that in view of the order passed in the aforesaid interlocutory applications he is not pressing the present interlocutory applications.

I.A.NOs.962/2017 with I.A.NO.5098/2017 are dismissed as not pressed.

C.R.NO.14 of 2012

Office to list this case on 27.07.2018.

(Amitav K. Gupta, J.)

Biswas.