

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 176 of 2008

Arjun Kumar Agrawala and Anr.`````` Appellants

Versus

Bijay Kumar Agrawala & Ors. Respondents

CORAM : HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. A. Aditya, Advocate

For the respondents : Mr. A.K. Sinha, Advocate

16 / 28.10.2021 **I.A.No. 8626/2018**

This interlocutory application has been filed under Order XXII Rule 4 of the CPC for substitution of legal heirs of the deceased respondent No.1 namely Bijay Kumar Agrawala who died during the pendency of present appeal on 15.07.2018 leaving behind his legal heirs and representatives whose descriptions have been mentioned in para-2 of the present interlocutory application.

Having heard the learned counsel for the parties and for the reasons stated in the present interlocutory application as well as keeping in view that the substitution petition filed on behalf of the respondents is in time, the legal heirs/representatives of the deceased respondent whose descriptions have been mentioned in para-2 of the present interlocutory application, are allowed to be substituted in place of the deceased respondent no.1, Bijay Kumar Agrawala.

The vakalatnama has been filed on behalf of legal heirs of respondent no.1.

Let a copy of memo of appeal be served by the appellants upon learned counsel for the substituted heirs of deceased respondent no.1.

Let necessary amendment be made in the cause title of the present second appeal.

I.A. No. 8626/2018 is allowed.

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It is submitted by the learned counsel on behalf of the appellants that respondent nos.2 to 4 against whom a direction of substituted service of notice had been made, had not appeared in the trial court and thus had not contested the suit, therefore no gainful purpose will be served by issuing notice against him.

Under the circumstances, the appellants are exempted from service of notice on respondent nos. 2 to 4.

List this case after four weeks under appropriate heading.

(GAUTAM KUMAR CHOUDHARY, J.)

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