

IN THE HIGH COURT OF JHARKHAND, RANCHI

I.A. No.6438 of 2014

And

I.A. No.835 of 2013

IN

Second Appeal No.298 of 2002

1.Bhubneshwar Mahto, son of Late Baidyanath Mahto
2.Bimla Devi, wife of Sri Bhubneshwar Mahto
3.Bhukhlal @ Bhukhlal Mahto, son of Late Harkhu Mahto -Deleted
4.Sandeep Kumar @ Congress Yadav, son of Sri Bhubneshwasr Mahto,
All resident of village -Januwa, P.O. Mohanpur, Sub Division and District-
Deoghar Appellants

-- Versus --

Karni Devi, wife of Bhukhlal Mahto, resident of Village-
Jamuwa, P.S. Mohanpur, Sub Division and District Deoghar
..... Respondent

CORAM :- HON'BLE MR. JUSTICE P.P. BHATT

For the Appellants :- Mr. Lalit Kumar Lal, Advocate
For the Respondent :- Mr. R.L. Yadav, Advocate

I.A. No.6438 of 2014

06/ **15.01.2015** The present application is filed under Section 5 of the Limitation Act for condonation of delay of 22 days in filing the I.A. No.835 of 2013 for substitution of the legal heirs and representatives of the deceased sole respondent after setting aside of the abatement.

For the reasons stated in the instant Interlocutory Application, the same is allowed, and as the sufficient cause has been made out by the appellant-applicant for condonation of delay, the delay in filing the I.A. No.835 of 2013 is hereby condoned.

I.A. No.6438 of 2014 stands disposed of.

I.A. No.835 of 2013

The instant Interlocutory Application is filed under Order 22 Rule 4 and 9 read with Section 151 of the C.P.C for substitution of the legal heirs and representatives of the sole respondent Karni Devi, who died on 28.10.2012 in a vehicular accident, leaving behind Kumari Namia as the sole legal heir and representative as stated in Paragraph No.2 of the instant application.

For the reasons stated in the instant application, the same is allowed.

Learned counsel for the appellant-applicant shall take necessary steps for substitution by carrying out amendment in the

cause title of the Appeal memo in red ink, and thereafter, let notice be issued upon the substituted sole legal heir and representative, by registered post with A/D as well as under ordinary process, for which requisites etc., must be filed within a period of two weeks.

I.A. No.835 of 2013 stands disposed of.

(P.P. Bhatt, J.)

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