

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.449 of 2023

Amina Khatoon & Another	...	Petitioners
Versus		
Smt. Sandhya Rani Biswas & Others	...	Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Ms. Tanya Rai, Advocate

Order No:-05 Dated:-24-04-2026

I.A. No.4361 of 2026

Heard.

Learned counsel for the petitioners do not press this interlocutory application.

Hence, this interlocutory application is rejected as not pressed.

(Anil Kumar Choudhary, J.)

I.A. No.4316 of 2026

Heard the parties.

Learned counsel for the petitioners submits that this interlocutory application has been filed with the prayer to delete the name of opposite party no.1, 2 & 5 in this C.M.P. as the opposite party no.1 Sandhya Rani Biswas died on 22.10.2023 leaving behind her only six legal representatives whose name, parentage and address has been mentioned in para-5 of this interlocutory application. It is next submitted that the opposite party no.2 namely Prakash Kaur has died in the year 2024 leaving behind his only legal representative whose name, parentage and address has been mentioned in para-7 of this interlocutory application. It is then submitted that the opposite party no.5 namely Gulab Mohammad died on 28.10.2016 before filing of this C.M.P. It is further submitted that unless the substitution of the opposite party no.1 & 2 by their legal representatives is allowed and the name of the opposite party no.5, who died before filing of this C.M.P. is deleted, the petitioners will be highly prejudiced. It is then submitted that the petitioners were not immediately

aware about the death of the opposite party no.1 & 2, hence, the delay occurred in filing the petition for substitution unless the delay is condoned, abatement is set aside and the legal representatives of the opposite party no.1 & 2 as prayed for is substituted, the petitioners will be highly prejudiced. Hence, it is lastly submitted that the prayer as prayed for in this Interlocutory Application be allowed.

Considering the aforesaid facts, prayer is allowed.

Registry is directed to incorporate the name of only six legal representatives of the opposite party no.1 as opposite party no.1A to 1F whose names, parentage and addresses have been mentioned in para-5 of this interlocutory application and only one legal representative of the opposite party no.2 as opposite party no.2A whose name, parentage and address has been mentioned in para-7 of this interlocutory application and mention the word 'dead' against the opposite party no.1 & 2 and also delete the name of the opposite party no.5 from the array of the opposite parties in the cause title of C.M.P. 449 of 2023 and to re-number the present opposite party no.6 as opposite party no.5.

This interlocutory application stands allowed, accordingly.

(Anil Kumar Choudhary, J.)

C.M.P. No.449 of 2023

Issue notice to the opposite party No.5 in the matter of limitation.

The petitioners are directed to file requisites for service of notice upon the opposite party No.5 by speed post as well as under process of the court within a week failing which; this C.M.P. shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case the requisites are filed, list this case after receipt of the service report of the notice issued to the opposite party No.5.

(Anil Kumar Choudhary, J.)