

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 29 of 2012

Karamdeo				Appellant
<i>Versus</i>				
The State of Jharkhand & Anr.				Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant	: Mr. D.K. Chakraverthy, Advocate
For the Respondents	: Mr. Praveen Akhouri, SC Mines I
	: Mr. Diva Kant Roy, AC to SC Mines I

Order No.07 Dated- 22.09.2022

I.A. No.8549 of 2022

Heard the parties.

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- Karamdeo. It is submitted by the learned counsel for the legal representatives of the sole deceased appellant that sole deceased appellant- Karamdeo died on 24.10.2021 leaving behind his only four legal representatives whose names, parentage and addresses have been mentioned at paragraph no.3 of this interlocutory application. It is next submitted that because of Covid-19 Pandemic and the legal representatives of the appeal being not aware about the status of this appeal, they could not take steps for substitution immediately after the death of the sole deceased appellant which resulted in delay in filing the petition for substitution. It is further submitted that unless the delay is condoned and the abatement if any, is set aside and the prayer to substitute the only four legal representatives of the sole deceased appellant is allowed, the appellant will be highly prejudiced.

Considering the aforesaid facts and circumstances of the case, the delay in filing the petition for substitution is condoned and the abatement, if any, is set aside and the prayer to substitute the only four legal representatives of the sole deceased appellant whose names, parentage and addresses have been mentioned in paragraph -3 of the interlocutory application as appellant nos. 1 (a) to 1 (d) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said appellant nos. 1 (a) to 1 (d) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the sole deceased appellant.

Mr. D.K. Chakraverty, Advocate and associates has filed power on behalf of the appellant nos. 1 (a) to 1 (d).

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

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Issue notice to the respondent no.2 in the matter of limitation.

The appellant is directed to file requisites for service of notice on the respondent no.2 in the matter of limitation by registered post with A/D as well as under ordinary process within two 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 the respondent no.2.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)