

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 199 of 2007

Smt. Preman Devi and others Appellants

Versus

Jai Kishun Sahu Respondent

CORAM : HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants :Mr. P.K. Varma, Advocate

For the respondent : Mr. Amar Kumar Sinha, Advocate

20 / 22.10.2021 **I.A. No.5213 of 2021**

This interlocutory application has been filed under Order XXII Rule 3 and 9 of the CPC for substitution of legal heirs of the deceased substituted appellant No.1(b) namely Ravindra Singh who died during the pendency of present appeal on 05.02.2017 leaving behind his legal heirs and representatives as well as to delete the name and address of substituted appellant no.1 Smt. Preman Devi who died on 05.09.2020 whose descriptions have been mentioned in para-2 & 3 of the present interlocutory application.

It is because of the aforementioned reasons there occurred delay of 70 days in filing the substitution petition. That the delay in filing substitution petition is not intentional and deliberate.

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 appellant no.1(b), the legal heirs/representatives of the deceased respondent whose descriptions have been mentioned in para- 2 and 3 of the present interlocutory application, are allowed to be substituted in place of the deceased appellant No.1(b).

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

I.A.No. No. 5213/2021 is allowed.

I.A. No.3669 of 2010

This interlocutory application has been filed under Order XXXIX Rule 1 and 2 read with Section 151 CPC.

The aforementioned appeal has been admitted.

It is submitted by the learned counsel for the appellant that plaintiff/respondent filed Title Suit No.31 of 2000 in the court of Sub-Judge Ranchi against the defendant/appellant praying therein the decree for declaration that the defendant has no right to enforce the agreement dated 15.09.1979 with respect to sale of the suit land.

It is submitted that plaintiff is the owner of suit land by virtue of registered sale deed on 25.08.1971 and an agreement was executed by the plaintiff in favour of the defendant on 15.09.1979 for sale of land for consideration of Rs. 6,700/- and out of the said amount the defendant has paid Rs.3,500/-. That the defendant did not perform his part of agreement and as the plaintiff is under no legal obligation to execute and register the deed of sale in favour of the defendant.

Heard. In view of the submission of learned counsel for the respondent, I.A. No.3669/2010 stands allowed.

(GAUTAM KUMAR CHOUDHARY, J.)