

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 199 of 2007

Satyendra Kr. Singh & Ors. Appellants
Versus
Jai Kishun Sahu Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. Baban Prasad, Advocate
: Mr. Praveen Kr. Verma, Advocate
For the Respondents : Mr. Amar Kr. Sinha, Advocate
: Mr. Sumit Kumar, Advocate

Order No.21 Dated- 12.07.2022

I.A. No.6075 of 2022

Heard the parties.

Learned counsel for the appellants submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the sole deceased respondent-Jai Kishun Sahu who died on 07.05.2021 leaving behind his only two legal representatives whose names, parentage and addresses have been mentioned in para-2 of the instant interlocutory application. It is next submitted by the learned counsel for the appellants that the appellants could not know about the death of the sole respondent and only when the interlocutory application under Order -XXII, Rule -10A of the Code of Civil Procedure was filed by the learned counsel for the sole respondent the learned counsel for the appellants could know about the death of the sole respondent and because of Covid-19 Pandemic, the appellants could not immediately contact their advocate, hence the delay occurred in filing of the petition for substitution. It is further submitted that unless the delay is condoned and the abatement, if any, is set aside and prayer for substitution of the only two legal representatives of the sole deceased respondent-Jai Kishun Sahu as respondent nos. 1(a) & 1(b) is allowed, the appellants 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 two legal representatives of the sole deceased respondent-Jai Kishun Sahu as respondent nos. 1(a) & 1(b) whose names, parentage and addresses have been mentioned in paragraph no. 2 of the instant interlocutory application is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said legal representatives of the sole deceased respondent-Jai Kishun Sahu as respondent nos. 1(a) & 1(b) in the cause title of the appeal memo with red ink and mention the word 'Dead' against the name of the said deceased respondent-Jai Kishun Sahu.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

I.A. No.1552 of 2022

Heard the parties.

This interlocutory application has been filed by the only two legal representatives of the sole deceased respondent-Jai Kishun Sahu whose names, parentage and addresses have been mentioned in para-1 of this instant interlocutory application.

Since today, vide the orders of I.A. No. 6075 of 2022, the prayer for substitution of the legal representatives of the sole deceased respondent-Jai Kishun Sahu has been allowed, hence this interlocutory application be kept in the record as this interlocutory application is informative in nature.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No.199 of 2007

Mr. Amar Kumar Sinha and Mr. Sumit Kumar have filed power

on behalf of the respondent nos. 1(a) & 1(b). Hence, no notice is required.

The learned counsel for the appellant prays for time.

Prayer for time is allowed as the last chance.

List this appeal after sixteen weeks.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)