

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 231 of 2014

Arun Kumar Mandal				Appellant
<i>Versus</i>				
Angurabala Dasi & Ors.				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant	: Mr. Kaushik Sarkhel, Advocate
For the Respondent	: Mr. A.P. Joshi, Advocate

Order No.03 Dated- 14.07.2022

I.A. No.2364 of 2021

Learned counsel for the legal representative of the deceased respondent no.1 submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the deceased respondent no.1- Angurbala Dasi. It is submitted by the learned counsel for the legal representative of the deceased respondent no.1 that respondent no.1- Angurbala Dasi died on 24.01.2021 leaving behind his only one legal representative whose name, parentage and address has been mentioned at paragraph no.4 of this interlocutory application. It is further submitted that the legal representatives of the deceased respondent no.1 were not aware about the status of the appeal hence, they could not immediately take steps for substitution within time. It is further submitted that unless the delay in filing the petition for substitution is condoned and the abatement if any, is set aside and the prayer for substitution of the only one legal representatives of the deceased respondent no.1 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 one legal representatives of the deceased respondent no.1 as respondent no. 1 (a) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said respondent as respondent no. 1 (a) in the cause

title of the appeal memo with red ink and mention the word “Dead” against the name of the deceased respondent no.1.

Mr. Ashutosh Pd. Joshi, Advocate has filed Power on behalf of the respondent no.1 (a).

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

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Heard the parties.

Notice issued to the respondent no.2 and 4 has returned unserved with the endorsement that there is no such addressees in the given address.

The appellants are directed to file requisites for service of notice on the respondent nos. 2 and 4 by registered post with A/D as well as under ordinary process within four 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 nos. 2 and 4.