

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 201 of 2008

Bindeshwari Prasad				Appellant
<i>Versus</i>				
Baldeo Prasad & Ors.				Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Sandeep Verma, Advocate
For the Respondents : None

Order No.11 Dated- 03.11.2022

I.A. No.9936 of 2022

Learned counsel for the appellant submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the deceased respondent no.11- Santosh Prasad who died on 12.05.2022 leaving behind his only two legal representatives whose names, parentage and addresses have been mentioned at paragraph no.3 of this interlocutory application. It is next submitted that the appellant could not immediately come to know about the death of the aforesaid respondent and came to know about his death from the relative after sometime and the same 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 two legal representatives of the deceased respondent no.11 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 two legal representatives of the deceased respondent no.11 whose names, parentage and addresses have been mentioned in paragraph -3 of this interlocutory application as respondent no. 11 (a) and 11 (b) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said respondent no. 11 (a) and 11 (b) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the deceased respondent no.11.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 201 of 2008

Issue notice to the respondent no. 11 (a) and 11 (b).

The appellant is directed to file requisites for service of notice on the respondent no. 11 (a) and 11 (b) 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 no. 11 (a) and 11 (b).

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)