

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 58 of 2010

Saguni Devi	Appellant
	<i>Versus</i>			
Ishar Gope & Anr.	Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant	: Mr. K.K. Ambastha, Advocate
For the Respondents	: Mr. Sachin Kumar, Advocate

Order No.10 Dated- 23.10.2024

I.A. No.10710 of 2024 and I.A. No.10709 of 2024

Learned counsel for the appellant submits that Interlocutory Application No.10710 of 2024 has been filed with a prayer to substitute the legal representatives of the deceased respondent no. 1 -Ishar Gope who died on 30.05.2022 leaving behind his only five legal representatives whose name, parentage and addresses have been mentioned in para-5 of the instant interlocutory application.

It is next submitted that Interlocutory Application No.10709 of 2024 has been filed with a prayer to condone the delay in filing the petition for substitution and to set aside the abatement of the appeal against the respondent no.1. It is next submitted that the appellant is a villager and resident of a remote village in the district of Koderma and he was not acquainted with the procedural law and by the time he came to Ranchi to meet his lawyer, the delay occurred. It is next submitted that the appellant has very good grounds to agitate in this second appeal and the delay caused is neither deliberate nor intentional. It is then submitted that unless the delay is condoned and the abatement of this appeal against the deceased respondent no. 1, is set aside and the prayer to substitute the only five legal representative of the deceased respondent no. 1 -Ishar Gope 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 of this appeal against the respondent no. 1 is set aside and

the prayer to substitute the only five legal representative of the deceased respondent no.1, whose names, parentage and addresses have been mention in paragraph no. 5 of the interlocutory application no.10710 of 2024 as respondent nos. 1 (a) to 1(e) is allowed.

Registry is directed to incorporate the names, parentage and address of the said respondent nos. 1 (a) to 1(e) 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.

Both the interlocutory applications are disposed of accordingly.

(Anil Kumar Choudhary, J.)

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Issue notice to the respondent nos. 1 (a) to 1 (e).

The appellant is directed to file requisites for service of notice on the respondent nos. 1 (a) to 1 (e) by registered post with A/D as well as under process of the court within six weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case, the requisites are filed, list this appeal after receipt of the service report of the notice issued to the respondent nos. 1 (a) to 1 (e).