

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (L) No. 2256 of 2019

Amar Kumar.....

Petitioner(s)

Versus

M/s Ascend Telecom Infrastructure (Pvt.) Ltd.

Bangalore through its C.E.O. & Director & Ors.....Respondent(s)

.....

Coram: Hon'ble Mr. Justice Ananda Sen

Through:-Video Conferencing

.....

For the Petitioner

: Mr. Vipul Poddar, Advocate

For the Respondents

: Mr. Nipun Bakshi, Advocate

.....

IA.No. 4138 of 2021

5/26.08.2021 By filing this interlocutory application, it has been brought to the notice of this Court that the sole petitioner namely, Amar Kumar has expired during pendency of the writ application on 13.05.2021, leaving behind his widow namely, Archana Aparajita and the daughters namely, Anushka Singh & Alakshya Singh as his legal heirs. By filing this interlocutory application, all the aforesaid legal heirs are praying to be substituted in place of the deceased petitioner.

Mr. Vipul Poddar, learned counsel appearing for the legal heirs submits that the present writ application was filed by the original writ petitioner challenging the order of dismissal. He further submits that the claim of the petitioner was dismissed as a result of which he is not entitled to get any monetary benefit. He submits that if the judgment passed by the Labour Court is set aside then by way of natural consequence compensation should be granted to the petitioner. He further submits that the cause of action survives and devolves upon the legal heirs of the deceased petitioner. Thus, they may be substituted in place of the deceased petitioner.

The opposite parties have got no objection to it.

Considering the submission of the parties and the nature of prayer made in the writ petition, since, the cause of action survives and devolves upon the legal heirs, i.e. the wife and daughters of the deceased

petitioner Amar Kumar, I am inclined to allow this interlocutory application. Accordingly, this interlocutory application is allowed. Let the name of the original petitioner be struck off from the cause title and in his place the name of his wife namely, Archana Aparajita and the daughters namely, Anushka Singh & Alakshya Singh be incorporated.

Necessary correction in the cause title of the main writ petition is to be carried out by the counsel for the petitioner within two weeks in '**red ink**',.

I.A. No. 4138 of 2021 stands allowed.

(Ananda Sen, J)