

IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A. No. 137 of 2013

Goura Devi & Anr. Appellants

Versus

The State of Jharkhand through Deputy Commissioner, Hazaribagh
.... Respondent

With

F.A. No. 38 of 2013

Chhote Lal Yadav & Ors. Appellants

Versus

The State of Jharkhand through Deputy Commissioner, Hazaribagh &
Anr. Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. Mahadeo Thakur, Advocate

For the Respondents : Mr. Praveen Akhauri, S.C. (Mines-I)

Order No.18 Dated- 22.06.2022

I.A. No.5053 of 2022 (in F.A. No.137 of 2013)

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 appellant no.1-Goura Devi. It is submitted by the learned counsel for the appellants that appellant no.1-Goura Devi died on 06.05.2021 leaving behind his only three respective legal representatives whose names, parentage and addresses have been mentioned in paragraph no.1 of the interlocutory application. It is further submitted that the legal representatives of the appellant no.1 has no knowledge about the pendency of this first appeal hence, they could not file the petition for substitution within time and only after coming to know about the pendency of the first appeal belatedly, they filed the petition for substitution. 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 legal representatives of the deceased appellant 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 three legal representatives of the deceased appellant no.1 whose names, parentage and addresses have been mention in paragraph no.1 of the interlocutory application as appellant nos. 1 (a) to 1 (c) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said appellant nos. 1 (a) to 1 (c) in the cause title of the appeal memo in red ink and mention the word 'Dead' against the said appellant no. 1.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

F.A. No. 137 of 2013 with F.A. No.38 of 2013

The learned counsel for the appellants prays for time for advancing argument on the merits of the appeals.

Prayer for time is allowed as the last chance.

List these appeals after four weeks.

Gunjan/-

(Anil Kumar Choudhary, J.)